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**JOURNAL**  
**OF THE**  
**LEGISLATIVE COUNCIL**  
**OF**  
**PRINCE EDWARD ISLAND.**

**ANNO QUINTO**  
**GULIELMI IV. REGIS.**

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**FIRST SESSION OF THE FOURTEENTH GENERAL ASSEMBLY.**

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**CHARLOTTE TOWN:**

Printed by JAMES DOUGLAS HASZARD, Printer to the King's Most Excellent Majesty.

**1825.**

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BY HIS EXCELLENCY

Sir ARETAS WILLIAM YOUNG,

Knight, Lieutenant Governor and Commander in Chief in and over His Majesty's

Island Prince Edward, and its Dependencies, Chancellor and Vice Admiral

A. W. YOUNG, of the same, &c. &c. &c.  
Lieut. Governor.

## A P R O C L A M A T I O N.

**W**HEREAS the General Assembly of this Island stands prorogued until Wednesday the 8th instant:

I have thought fit to dissolve the said General Assembly, and the same is hereby dissolved.

And I do hereby give notice, as well to the Members of the Legislative Council of this Island, as to the Members of the Counties and Towns and Royalties within the same, that they are discharged from further attendance in the said General Assembly.

And I do further declare, that I have this day given orders that Writs for calling a new General Assembly be issued in due form; the said Writs to bear teste on Saturday the Eleventh instant, and be returnable on Monday the Twenty-ninth day of December next.

Given under my Hand, and the Seal of the said Island, at Charlotte Town, this 7th day of October, in the year of our Lord One thousand eight hundred and thirty-four, and in the Fifth year of His Majesty's Reign.

By His Excellency's Command,  
J. P. COLLINS, Colonial Secretary.

GOD SAVE THE KING.

BY HIS EXCELLENCY

Sir ARETAS WILLIAM YOUNG,

Knight, Lieutenant Governor and Commander in Chief, in and over His Majesty's

Island Prince Edward, and its Dependencies, Chancellor and Vice-Admiral

A. W. YOUNG, of the same, &c. &c. &c.  
Lt. Governor.

## A P R O C L A M A T I O N.

**W**HEREAS Writs for electing Members to serve in General Assembly, for the several Counties and Towns and Royalties in this Island, are returnable on Monday the 29th day of December instant:

I have thought fit to prorogue the said General Assembly, and the same is hereby prorogued, until Monday the Twenty-sixth day of January, One thousand eight hundred and thirty-five—then to meet for the DESPATCH OF BUSINESS—of which all Persons concerned are required to take Notice, and govern themselves accordingly.

Given under my Hand, and the Seal of the said Island, at Charlotte Town, this 23d day of December, in the year of our Lord One thousand eight hundred and thirty-four, and in the Fifth Year of His Majesty's Reign.

By His Excellency's Command,  
J. P. COLLINS, Colonial Secretary. } J



## THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

BY SAMUEL JOHNSON, ESQ. VOL. I.

LONDON: Printed by A. MILLAR, in Pall-mall.

1729.

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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL.

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COUNCIL CHAMBER,  
MONDAY, January 26th, 1835.

In pursuance of the foregoing Proclamations, His Majesty's Council met.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**H**IS Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to inform the House of Assembly, that it is His Excellency's pleasure that they do attend him in the Council Chamber instant— and the Members present having appeared at the Bar, the President of His Majesty's Council addressed them as follows, viz:—

Gentlemen,

I am commanded by His Excellency the Lieutenant Governor to acquaint you, that His Excellency does not intend to declare the cause of calling this General Assembly, until there be a Speaker of the House of Assembly; and therefore you, Gentlemen of the House of Assembly, are to repair to the place where the House of Assembly usually meet, and there to proceed to the election of a fit person to be your Speaker, whom you are to present to His Excellency here immediately for his approbation.

The House of Assembly then withdrew, and, in a short time, the Gentleman Usher of the Black Rod received His Excellency's commands to deliver this Message to the House of Assembly:

'His Excellency the Lieutenant Governor commands the immediate attendance of the House of Assembly in the Council Chamber.'



The House accordingly attended His Excellency in the Council Chamber, when *George Dalrymple*, Esquire, addressed His Excellency, and stated, that agreeably to His Excellency's Commands, the House of Assembly had proceeded to the election of a Speaker, and that their choice had fallen upon him.

The President of his Majesty's Council then addressed the House of Assembly, as follows:

'Gentlemen,

'I am commanded by His Excellency the Lieutenant Governor to acquaint you, that His Excellency is satisfied with the choice you have made of *George Dalrymple*, Esquire, to be your Speaker, and therefore His Excellency doth allow of, and confirm *George Dalrymple*, Esquire, to be Speaker of the House of Assembly.'

The Speaker then addressed His Excellency as follows:—

"Your gracious approbation of the Speaker chosen by the House of Assembly demands from me my most grateful acknowledgments, which I most respectfully solicit your Excellency now to accept; at the same time I most solemnly assure your Excellency, that I very sensibly feel the weight and importance of those obligations which devolve on me in consequence of this appointment. Nevertheless, your Excellency may fully rely; that in the situation in which I am now placed, every exertion in my power shall be used in order to promote the best interests and prosperity of this Province, the honour of His Majesty's Government, and the harmony of your Excellency's administration.

"I beg further to observe to your Excellency, that this being the first meeting of the present House of Assembly, a duty devolves on me, in their name, and on behalf of His Majesty's faithful Commons of this Province, most respectfully to request your Excellency to grant, that the Members of the present Colonial Parliament, when in Session, may be free from molestation—that they may enjoy the freedom of speech in all their debates—that they may possess the exclusive right of judging of the conduct and qualifications of their own members, and, if necessary, of prescribing such penalties as may be in accordance with the established rules and practice of Parliament—and likewise that they may have free access to your Excellency whenever their duty and the public welfare requires it. These and all other rights and privileges, whether ancient or modern, which the British Constitution happily secures to the popular branch of the Legislature, I have humbly to beg of your Excellency that the same may be continued and confirmed to the present House of Assembly."

Then the President of His Majesty's Council replied in the following words: .

*Mr. Speaker,*

I am commanded by His Excellency the Lieutenant Governor to say, that His Excellency, being fully assured of the prudence, loyalty and good affection of the House of Assembly, does most willingly grant to them all their privileges, in as full a manner as they have been at any time granted by His Excellency, or any former Governor of this Island."

His Excellency was then pleased to open the Session with the following Speech, viz:—

*Mr. President, and Gentlemen of His Majesty's Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

His Majesty having been graciously pleased to signify His Royal assent to the Bill, limiting the duration of the Legislative Assembly of this Island to Four years, I caused the late Colonial Parliament to be dissolved, directing Writs to be issued for the election of a new General Assembly, and I have now much satisfaction in meeting you in your Legislative capacity.

In a retrospect of the past year, I have reason to congratulate you upon the cheering prospect afforded by the increased development of our internal resources.

Deeply interested in the agricultural prosperity of the Colony, I refer with pleasure to the progressive improvement which this essential branch of our national advancement continues to exhibit.

Under the blessing of Providence, the late Harvest has proved most productive; and whilst the labour of the husbandman has been thus rewarded with an abundant increase, it will afford a powerful stimulus to a perseverance in those habits of active industry, which cannot fail in producing the happiest results.

It is with no less satisfaction that I am enabled to state, that the Revenue of the last year shews an increase over that of the preceding one; and although the expenditure for the same period has been considerable, arising principally from the large sums required for the completion of the Public Buildings and Wharves, and in the establishment of an imperfect system of Quarantine, incident to our local situation, at a time when our sister Provinces were visited with that awful disease, the Asiatic Cholera, I have nevertheless every confidence that, by a due regard to economy in the estimates of the current year, the temporary inconvenience which has been consequently occasioned will be speedily remedied.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I shall take an early opportunity of directing the Public Accounts to be laid before you; and I rely upon your liberality and discretion to make such provision for the services of the year as the exigencies of the Government may require.

*Mr. President, and Gentlemen of His Majesty's Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I shall submit to your consideration, by Message, such matters of public interest as I may conceive necessary to the general welfare of the Colony.

In leaving you to the discharge of your important duties, I have full confidence that your deliberations will be peculiarly directed to such measures as have for their object the public good; and you may depend on my ready co-operation in those views which may tend to promote the prosperity of the Colony and the comfort and happiness of the people.

The Speech being ended, His Excellency was pleased to retire, and the House of Assembly having withdrawn, the President reported His Excellency's Speech, which being read by the Clerk.

*Resolved*—That an humble Address be presented to His Excellency the Lieutenant Governor, to return the thanks of this House for his Speech, delivered this day—

*Ordered*, That the Honourables *Thomas Heath Haviland, John Brecken* and *J. Spencer Smith*, be a Committee to prepare a Draft pursuant to the above Resolution.

On motion, *Ordered*, that the Honourables the *Attorney General, Ambrose Lane* and *Charles Worrell* be a Committee to revise the Journals of this House each day.

On motion, *Ordered*, that the Honourables *George Wright* and *John Brecken* be a Committee to examine into and report upon such Laws as are near expiring.

On motion, *Ordered*, that the Reverend *Louis C. Jenkins* be appointed Chaplain, and that he be requested to attend His Majesty's Council to-morrow at Twelve o'clock, and each succeeding day during the Session, for the purpose of reading Prayers.

His Excellency the Lieutenant Governor requiring the personal attendance of *J. P. Collins, Esq.*, the Clerk of the Council, *Mr. Charles Desbrisay* was appointed to act as Clerk during the present Session, and having taken the Oath of Allegiance, and also the Oath of Office, took his Seat accordingly.

On motion, *Ordered*, that *John Rider* be appointed Messenger to this House.

Adjourned until 12 o'clock to-morrow.

**TUESDAY, January 27th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i> <i>Ambrose Lane,</i> <i>T. H. Haviland,</i> <i>Charles Worrell,</i> <i>The Attorney General,</i> <i>John Brecken,</i> <i>J. Spencer Smith.</i>
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PRAYERS.

**R**EAD the proceedings of yesterday.

The Hon. *Thomas H. Haviland*, from the Committee appointed to prepare an Address in reply to His Excellency's Speech, reported, that they had prepared a Draft of the same, which is as follows, viz:—

*To His Excellency Sir ARETAS WILLIAM YOUNG, Knight, Lieutenant-Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto adjacent, Chancellor and Vice-Admiral of the same, &c. &c. &c.*

*May it please Your Excellency,*

We His Majesty's dutiful and loyal Subjects, convened in our Legislative capacity, as Members of His Majesty's Council, respectfully thank your Excellency for your Speech upon the opening of the present Session.

Impressed with the conviction that the prosperity of the Colony is inseparable from its agricultural advancement, it is with much satisfaction that we are enabled to bear testimony to the progressive improvement which is evident in this paramount branch of the public welfare.

We gratefully acknowledge the blessing of a bountiful providence in the late abundant harvest; and we trust that the increased comforts which have been thus diffused, will stimulate the industrious agriculturist to persevere in those efforts of improvement so conducive to his own permanent benefit, and of corresponding advantage to the best interests of the Colony.

We are highly gratified to learn from your Excellency that the Revenue of the past year exhibits an increase over that of the year preceding. It induces us to hope that the inconvenience arising from the heavy demands to which the Colonial funds have been subject, in consequence of the large sums required for the completion of public works, and other essential purposes, will prove but of a temporary nature.

All matters of public interest which your Excellency may conceive necessary to submit for our consideration, shall receive due and respectful attention.

In the discharge of those important duties which now devolve upon us, the well-being of the Colony will form the great object of our exertions; and in the assurance that we shall receive the ready and able co-operation of your Excellency in all matters which may tend to promote the public weal, we confidently anticipate that our united deliberations will prove productive of beneficial results.

Which Address being read by the Clerk, was agreed to by the House, and ordered to be engrossed.

On motion, it was Ordered, that a Committee consisting of the Honourables *Thomas Heath Haviland*, *John Brecken* and *J. Spencer Smith*, do wait upon His Excellency the Lieutenant Governor, to know at what time His Excellency will be pleased to receive the Address of this House.

The Honourable *Thomas Heath Haviland*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to know at what time His Excellency will be pleased to receive the Address of this House, reported, that they had waited upon His Excellency accordingly, and that His Excellency had appointed Twelve o'clock to-morrow to receive the same.

Adjourned until 11 o'clock to-morrow.

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**WEDNESDAY, January 28th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

|                 |   |                                                                                                                                                                                        |
|-----------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Honourables | { | <i>George Wright,</i><br><i>Ambrose Lane,</i><br><i>T. H. Haviland,</i><br><i>Charles Worrell,</i><br><i>The Attorney General,</i><br><i>John Brecken,</i><br><i>J. Spencer Smith.</i> |
|-----------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PRAYERS.

**R** EAD the proceedings of yesterday.

The Council adjourned, to wait upon His Excellency with their Address.

The Council being again met, the President reported, that the House had presented their Address, and that His Excellency had been pleased to return the following answer:—

*Mr. President, and Gentlemen of His Majesty's Council;*

Sensible that upon all former occasions you have been actuated by an earnest desire to promote the prosperity of the Colony and the public good, your address at the present moment, expressive of a continuance of that disposition, cannot but be received by me with pleasure, and therefore I pray you to accept my best thanks for it.

On motion, Ordered, that the Honourables *Ambrose Lane* and *Thomas Heath Haviland*, be a Committee during the Recess, to make such improvements and alterations in the internal arrangement of the Council Chamber, as they may deem proper.

Adjourned until 1 o'clock to-morrow.

## THURSDAY, January 29th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis* President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

The President laid before the House the following Communication from Mr. Secretary Collins, together with the Books and Maps therein referred to, viz:—

SECRETARY'S OFFICE,  
 January 29th, 1835.

SIR,

In accordance with a Resolution of the late House of Assembly, I am directed by His Excellency the Lieutenant Governor to present to the Legislative Council, a copy of Bouchette's British Dominions in North America, with the Maps accompanying the same.

I have the honour to be, Sir,

Your most obedient

Humble Servant,

J. P. COLLINS.

The Hon. E. J. Jarvis, President of the Legislative Council.

On motion, Ordered, that the said Books be bound in Calf, and the Maps fitted with Rollers.

Adjourned until 1 o'clock to-morrow.

## FRIDAY, January 30th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

The President gave notice that he would, at an early day, move for leave to bring in a Bill to regulate the times and places of holding General Quarter Sessions of the Peace, in the several Counties in this Island.

Adjourned until 1 o'clock to-morrow.

**SATURDAY, January 31st, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**PRAYERS.**

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Brenan*, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:—

A Bill intituled ‘An Act to prevent Hawkers and Pedlars travelling and ‘selling within this Colony without Licence:’—and

A Bill intituled ‘An Act authorizing Commissions to be issued for taking ‘the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by default.’

Read the said Bills a first time.

Adjourned until 1 o'clock on Monday next.

**MONDAY, February 2d, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**PRAYERS.**

**READ** the proceedings of Saturday.

The following Messages were received from His Excellency the Lieutenant Governor, by Mr. Secretary Collins, viz:—

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honourable T. Spring Rice, enclosing an Order of His Majesty in Council, dated the 2d July, 1834, allowing an Act passed by the Legislature of this Island, in the month of April, 1833, “for shortening the duration of Colonial Parliaments, from the space of Seven Years to that of Four.”

Government House, January 31st, 1835.



No. 6.

[ COPY. ]

DOWNING STREET, 24th July, 1834.

SIR,

An Act intituled "An Act for shortening the duration of Colonial Parliaments, from the space of Seven Years to that of Four," passed by the Legislature of Prince Edward Island, in the month of April, 1833, and reserved for the signification of His Majesty's pleasure, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to His Majesty in Council, their opinion that the said Act should be specially confirmed and finally enacted; and I have the honour herewith to transmit to you an Order of His Majesty in Council, dated the 2d inst. approving that report.

I have, &amp;c.

(Signed)

T. SPRING RICE.

To the acting Governor of Prince Edward Island.

[ COPY. ]

AT THE COURT AT SAINT JAMES'S, THE 2d OF JULY, 1834.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY;

Lord President,  
 Lord Privy Seal,  
 Lord Steward,  
 Lord Chamberlain,  
 Marquis of Winchester,  
 Earl Grey,

Lord John Russel,  
 Viscount Palmerston,  
 Viscount Melbourne,  
 Viscount Althorpe,  
 Lord Auckland.

Whereas the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did pass an Act in the month of April, 1833, which has been reserved for the signification of His Majesty's pleasure, entitled as follows, viz.

*No. 361. An Act for shortening the duration of Colonial Parliaments, from the space of seven years to that of four.*

Which Act having been referred to the Committee of the Lords of His Majesty's most Honourable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations, the said Lords of the Committee have reported as their opinion to His Majesty, that the said Act should receive His Majesty's special confirmation—His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare His special confirmation of the said Act, and the same is hereby specially confirmed, ratified and finally enacted, accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island of Prince Edward, for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Honourable T. Spring Rice, enclosing an Order of His Majesty, in Council, allowing various Acts, passed by the Legislature of this Island in the months of March and April, 1833.

Government House, January 31, 1835.

[COPY.]

DOWNS STAMPT, 21st July, 1834.

SIR,

Various Acts passed by the Legislature of Prince Edward Island, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to His Majesty in Council, their opinion that those Acts should be left to their operation; and I have the honour herewith to transmit to you an Order of His Majesty in Council, dated the 2d instant, approving that Report.

I have, &amp;c.

(Signed)

T. SPRING RICE.

To the acting Governor of Prince Edward Island.

AT THE COURT AT SAINT JAMES'S, THE 2d OF JULY, 1834.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY;

*Lord President,  
Lord Privy Seal,  
Lord Steward,  
Lord Chamberlain,  
Marquis of Winchester,  
Earl Grey,*

*Lord John Russell,  
Viscount Palmerston,  
Viscount Melbourne,  
Viscount Althorpe,  
Lord Auckland.*

"Whereas the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did pass 34 Acts in the months of March and April, 1833, which have been transmitted, entitled as follows, viz.

No. 347—'An Act to repeal two certain Acts therein mentioned, for the regulation of Statute Labour.'

No. 348—'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.'

No. 349—'An Act to revive and continue an Act to prevent the running at large of Sheep in the Town of Charlotte Town.'

No. 350—'An Act to continue an Act authorizing the formation of a Fire Engine Company for the Town of Charlotte Town.'

No. 351—'An Act to continue an Act for regulating the driving of Carts, Carriages, Sleighs and Carioles on the Highways.'

No. 352—'An Act to continue an Act made and passed in the Sixth year of the Reign of His late Majesty King George the Fourth, for regulating the measurement of Ten Timber, Boards, and all other kinds of Lumber.'

No. 353—'An Act for ascertaining the population of this Island, and for obtaining certain Statistical information therein mentioned.'

No. 354—'An Act to repeal two certain Acts therein mentioned, for licensing and regulating ferries, and to make other provisions in lieu thereof.'

No. 355—'An Act to explain and amend an Act passed in the Tenth year of the Reign of His late Majesty King George the Fourth, intitled An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.'

No. 356—'An Act to regulate the Registry of Deeds and Instruments relating to the Title to Land, and to repeal the Laws heretofore passed for that purpose.'

No. 357—'An Act to amend an Act made and passed in the 2d year of His present Majesty's reign, intitled An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the recovery of Small Debts—and to repeal two other Acts hereinafter mentioned.'

No. 358—'An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the trial of issues, for a limited period.'

No. 359—'An Act to authorize a further issue of Treasury Notes, to the amount of Five Thousand Pounds, and to repeal an Act therein mentioned.'

No. 360—'An Act appointing the Registration of His Majesty's Orders in Council and Proclamations signifying the Royal Allowance or Disallowance of Acts of this Island.'

No. 362—'An Act to authorize the appointment of Commissioners to superintend the extending and completing of the Public Wharf of Charlotte Town.'

No. 364—'An Act for the preservation and improvement of the Herring and Alewives Fisheries of this Island.'

No. 365—'An Act to repeal an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King George the Third, intituled 'An Act for ascertaining the Standard of Weights and Measures in this Island,' and to make other provisions in lieu thereof.'

No. 367—'An Act to regulate the weight and quality of Bread within the Town and Royalty of Charlotte Town.'

No. 369—'An Act to empower the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required.'

No. 370—'An Act appointing Commissioners to superintend the Re-printing of the Laws of this Island.'

No. 371—'An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island, by establishing Boards of Health.'

No. 372—'An Act for repealing an Act of the Thirty-fifth Year of the Reign of King George the Third, intituled 'An Act for regulating Servants,' and for substituting other provisions in lieu thereof.'

No. 373—'An Act to consolidate, amend and reduce into one Act, the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned.'

No. 374—'An Act to continue for one year an Act regulating the practice of the Supreme Court in cases of Replevin.'

No. 375—'An Act to explain and amend an Act made and passed in the Eleventh year of the late King, for raising a Fund by an Assessment on Land.'

No. 376—'An Act for repealing certain parts of the Act intituled 'An Act for the establishing and regulating a Militia,' and for substituting other provisions in lieu thereof.'

No. 377—'An Act to regulate the Salary of the Treasurer of this Island.'

No. 378—'An Act for the regulation of the Public Wharf of Charlotte Town.'

No. 379—'An Act to repeal the several Acts relating to Licences for retailing Strong and Spirituous Liquors, and to make other provisions in lieu thereof.'

No. 380—'An Act to continue for one year an additional Duty imposed on Wines and Spirituous Liquors imported into this Island.'

No. 381—'An Act for continuing for one year an *ad valorem* Duty on all Goods, Wares and Merchandise imported into this Island, with certain exceptions.'

No. 382—'An Act for levying a Duty on Tobacco and Tea.'

No. 383—'An Act to make and keep in repair the Pumps and Wells of Charlotte Town, and for other purposes, and to repeal a certain Act therein mentioned.'

No. 384—'An Act for appropriating certain Monies for the service of the year One thousand eight hundred and Thirty-three.'

Which Acts having been referred to the Committee of the Lords of His Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, the said Lords of the Committee have reported as their opinion to His Majesty, that the said Acts should be left to their operation; His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to approve the said Report: Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island Prince Edward, for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly."

(Signed)

C. GREVILLE.

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the Copy of a Despatch from the Right Honourable E. G. Stanley, dated the 28th May last, stating his reasons why he did not feel himself justified in advising His Majesty to give his assent to an Act passed by the Legislature in 1833, having for its object the support of the Civil Establishment of this Island.

Government House, February 2d, 1835.

[COPY.]

No. 13.

DOWNING STREET, May 28th, 1834.

SIR,

I have the honour to acknowledge the receipt of your Despatch No. 44, of the 27th April last, accompanied by an Act, having for its object the support of the Civil Establishment of Prince Edward Island.

The Earl of Ripon having expressed his readiness, whenever the financial circumstances of the Colony should be such as to allow of a moderate and permanent provision being made for the necessary expences of its Government, to advise His Majesty to make over to the Legislature the whole of the Revenues of the Island, the Legislature admit the justice of the Civil List being in future borne by the Colony, whenever they shall have the disposal of their own Revenue, and proceed to enact that after September, 1837, the two permanent Acts shall be repealed, and that in lieu of them and of Quit Rents, which shall no longer be collected, a tax shall be imposed of 4s. 6d. per 100 Acres on Township Land of every description, and 2s. and 1s. 4d. respectively on Town Lots, &c. within the Royalties of Charlotte Town and Georgetown. It is calculated, but as it appears to me, not upon sufficient data, that such an assessment would produce £2400.

The Legislature state that they conceive the sum of £2400 to be sufficient to pay the Governor and the Chief Justice (with the addition of a salaried Puisne Judge, whose services they think may be required), the Colonial Secretary and the Attorney General. The present Salaries of these officers are

|                    |   |   |   |   |   |   |   |   |   |   |   |        |
|--------------------|---|---|---|---|---|---|---|---|---|---|---|--------|
| Governor           | - | - | - | - | - | - | - | - | - | - | - | £ 1000 |
| Chief Justice      | - | - | - | - | - | - | - | - | - | - | - | 700    |
| Attorney General   | - | - | - | - | - | - | - | - | - | - | - | 200    |
| Colonial Secretary | - | - | - | - | - | - | - | - | - | - | - | 150    |
|                    |   |   |   |   |   |   |   |   |   |   |   | £2050  |

—leaving a balance of £350, which appears manifestly insufficient for a Puisne Judge. I merely indicate this defect, without wishing to insist on it, for I doubt not that if hereafter the Colony should require the services of an additional Judge, the Assembly will make the necessary permanent provision.

But it is to be observed, that the permanence and security of these payments depend entirely upon the full realization of the expectations of the Legislature as to the produce of the Tax; that they are to be made "out of the monies raised under and by virtue of this Act" only, and that no provision is made for a deficiency. Therefore, if there were no peculiarities attending the Tax to be collected; and though I might agree with the Legislature, that the officers enumerated were all for which it was necessary permanently to provide; and though there were no objection to the adequacy of the provision, I should not be justified in attributing to it such a character of permanence as would warrant me in advising to accept it as securing the independence of those officers. In this particular case, there is more than ordinary ground to doubt the productiveness of the Tax. Independently of the difficulties and expence of collection, the avowed intention and expected effect is, to bring large masses of land under escheat for non-payment. But, although provision is made for selling so much of the Land as may be necessary to cover the assessment, the effect of pouring so large a portion of land into a market already overstocked, may be so far to reduce the price as to render it impossible to find purchasers willing to take it at any price, subject to the amount of the duty; and in that case the Civil Government is left unprovided for.

I admit the policy and the justice of making the owners of the Land contribute largely to the internal expences and improvements of the Colony; and while I concur in the reasons which led my predecessor to object to escheating for non-performance of impracticable conditions of settlement, I am decidedly of opinion that a Tax, in the nature of a penal assessment upon non-cultivation is, under the circumstances of Prince Edward Island, a measure at once just and politic. But the amount of the penalty ought to be fairly considered, and if possible adjusted according to the practicability of fulfilling the intentions of the Grant. On Land of a good quality, which probably would sell at 20s. per acre, a tax of 4s. 6d. per 100 acres, or  $4\frac{1}{2}$  per cent. on the interest of the purchase money, can hardly be said to be exorbitant; but if upon a Grant of 10,000 acres, one half be altogether irreclaimable and valueless, the tax is then doubled in effect, and becomes absolutely ruinous. I am aware of the difficulty, if not impossibility, of putting different assessments according to the supposed quality of wilderness land; but if this be impossible, it is the more necessary to see that the assessments are on the whole moderate and not unreasonable.

On a review of the whole case, I cannot advise that the salaries of the officers of the Civil Government should be made dependent upon this source of Revenue. I see no sufficient ground for the repeal of the two permanent Revenue Acts; but I should be willing on the part of the Crown to accept for the support of the Civil Government, a fixed sum, to the amount offered by the Legislature, secured upon the produce of those Acts, and to place the whole of the remainder of the Revenue, including the Quit Rents, at the disposal of the Legislature; and I should not object to a Bill commuting those Quit Rents for a fair and moderate Tax on all Land, including wilderness, the produce to be applied to local objects, such as those to which the permanent Revenue Acts are now applied—guarding, however, the interests of those persons who may at the time of the Act, have availed themselves of Lord Ripon's terms for commutation, by a proportionate reduction of assessment.

I have, &c.

(Signed)

E. G. STANLEY.

Lieutenant Governor Young, &c. &c.

Ordered, that the said Documents do lie on the Table.

On motion, the Bill intituled "An Act authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by Default"—was read a second time.

Ordered, that the said Bill be referred to the Honourable *The Attorney General*, to report thereupon.

On motion, the Bill to prevent Hawkers and Pedlars travelling and selling within this Colony, without Licence—was read a second time.

Ordered, that the said Bill be referred to the Honourable *Thomas Heath Haviland*, to report thereupon.

The Honourable *The Chief Justice*, pursuant to notice, moved for leave to bring in a Bill to regulate the times and places of holding General Quarter Sessions of the Peace, in the several Counties in this Island—

Leave being granted, the said Bill was brought in, and read a first time.

On motion, Ordered, that the said Bill do stand as the Order of the Day for Wednesday next.

Adjourned until 1 o'clock to-morrow.

## TUESDAY, February 3d, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Hon. *Chief Justice Jarvis*, President;

|                 |   |                              |
|-----------------|---|------------------------------|
| The Honourables | { | <i>Ambrose Lane,</i>         |
|                 |   | <i>T. H. Haviland,</i>       |
|                 |   | <i>Charles Worrell,</i>      |
|                 |   | <i>The Attorney General,</i> |
|                 |   | <i>John Brecken,</i>         |
|                 |   | <i>J. Spencer Smith.</i>     |

### PRAYERS.

**R**EAD the proceedings of yesterday.

The Honourable *The Attorney General*, to whom was committed the Bill authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by Default—Reported the same.

Ordered, that the said Report be received.

On motion, the House went into consideration of the said Bill, and amended it as follows:—

*Folio 1, line 7.*—After the word "whereas," strike out from the word "there" to the word "default," both inclusive, and insert the words "An Act made and passed in the Tenth year of the reign of His late Majesty King George the Fourth, intituled An Act to amend an Act intituled An Act to render perpetual an Act intituled An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island, will expire at the end of the present Session of the General Assembly."

*Folio 1, line 12.*—After the word "necessary," strike out the words "to provide a remedy for the same," and insert the words "to authorize the issue of Commissions to take the depositions of Witnesses residing out of this Island, in cases wherein Judgment hath been marked by default."

*Folio 2, line 1.*—Strike out from the word "under" to the word "Island," both inclusive, and insert the words "and upon sufficient cause being shewn, by affidavit made by or on behalf of the party desiring the same."

Ordered, that the said Amendments be engrossed.

Adjourned until 12 o'clock to-morrow.

**WEDNESDAY, February 4th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

|                 |   |                                                                                                                                                                                        |
|-----------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Honourables | { | <i>George Wright,</i><br><i>Ambrose Lane,</i><br><i>T. H. Haviland,</i><br><i>Charles Worrell,</i><br><i>The Attorney General,</i><br><i>John Brecken,</i><br><i>J. Spencer Smith.</i> |
|-----------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Macdonald*, with the following Bills, to which they pray the concurrence of the Legislative Council, viz:—

A Bill intituled 'An Act to amend and render perpetual certain Laws now in force relating to Treasury Notes'—and

A Bill intituled 'An Act for declaring the Seats of Members of the Assembly vacated in certain cases.'

Read the said Bills a first time.

Read a third time and passed, the Bill authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by Default—as amended.

Ordered, that the said Bill, with the Amendments, be sent down to the House of Assembly, for their concurrence.

The Order of the Day, for the consideration of the Bill to regulate the times and places for holding the General Quarter Sessions of the Peace in the several Counties in this Island, being read—the said Bill was read a second time, and ordered to be engrossed.

The Honourable *Thomas Heath Haviland*, to whom was committed the Bill to prevent Hawkers and Pedlars travelling and selling within this Colony without Licence—reported the same.

Ordered, that the said report be received.

Adjourned until 1 o'clock to-morrow.



## THURSDAY, February 5th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*John Brecken,*  
*J. Spencer Smith.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, ordered, that *Moses Hayes* be appointed Doorkeeper to this House.

Read a third time, and passed, the Bill intituled 'An Act to regulate the times and places of holding General Quarter Sessions of the Peace, in the several Counties in this Island.'

Ordered, that the said Bill be sent down to the House of Assembly for their concurrence.

On motion, the Bill intituled 'An Act to amend and render perpetual certain Laws now in force, relating to Treasury Notes,' was read a second time.

On motion, ordered, that the said Bill be committed to the Honourable *John Brecken* to report thereupon.

Adjourned until 1 o'clock to-morrow.

## FRIDAY, February 6th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, it was ordered, that the Colonial Secretary be required to furnish this House with a List of the names of persons to whom Licences have been granted under the Act of the Eleventh year of the Reign of His late Majesty, intituled 'An Act to regulate Hawkers and Pedlars travelling within this Island,'—specifying the number granted in each year.

The Honourable *John Brecken*, to whom was committed the Bill intituled 'An Act to amend and render perpetual certain Laws now in force, relating to Treasury Notes'—reported the same.

Ordered, that the said Report be received.

Adjourned until 1 o'clock to-morrow.

## SATURDAY, February 7th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables

{ *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

On motion of the Honourable the *Attorney General*, it was ordered, that the Order of yesterday, requiring the Colonial Secretary to furnish to this House, a List of Licences granted under the Act of the Eleventh year of the Reign of His late Majesty, intituled 'An Act to regulate Hawkers and Pedlars travelling within this Island,' be rescinded, and that an humble Address be presented to the Lieutenant Governor, requesting him to direct the Colonial Secretary to lay before this House the said List—and having presented the draft of an Address for that purpose, the same was agreed to, and is as follows, viz:

*To His Excellency Sir ARETAS WILLIAM YOUNG, Knight, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto adjacent, Chancellor and Vice-Admiral of the same, &c. &c. &c.*

*May it please Your Excellency,*

We, His Majesty's Legislative Council for this Island, humbly request, that your Excellency will be pleased to direct the Colonial Secretary to lay before this House, a return of the several Licences issued under the Act of the Eleventh year of the Reign of His late Majesty, intituled "An Act to regulate Hawkers and Pedlars travelling within this Island," specifying the number granted in each year respectively.

Ordered, that the said Address be engrossed.

Ordered, that the Honourable *Ambrose Lane* and the *Attorney General* be a Committee to wait upon His Excellency with the said Address.

Read a second time, the Bill intituled 'An Act for declaring the seats of Members of the Assembly vacated in certain cases.'

On motion, it was ordered, that the said Bill be committed to the Honourable *John Brecken*, to report thereupon.

The Honourable the *Attorney General* moved for leave to bring in a Bill to be intituled 'An Act for establishing a Court of Divorce within this Island, and for repealing a certain Act therein mentioned'—Leave being granted, the said Bill was brought in and read a first time.

Ordered, that the second reading of the said Bill do stand as the Order of the Day for Monday next.

Adjourned until 1 o'clock on Monday next.

## MONDAY, February 9th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Hon. *Chief Justice Jarvis* President;

|                 |   |                              |
|-----------------|---|------------------------------|
| The Honourables | { | <i>Ambrose Lane,</i>         |
|                 |   | <i>T. H. Haviland,</i>       |
|                 |   | <i>Charles Worrell,</i>      |
|                 |   | <i>The Attorney General,</i> |
|                 |   | <i>John Brecken.</i>         |

### PRAYERS.

**R**EAD the proceedings of Saturday.

The Honourable *Ambrose Lane* from the Committee appointed to wait on His Excellency the Lieutenant Governor, with the Address relative to the List of Licences granted to Hawkers and Pedlars within this Island, reported the delivery thereof.

A Message from the House of Assembly, by Mr. *Brenan*, with the following Bill, agreed to, as amended by the Legislative Council, viz:

A Bill intituled 'An Act authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by default.

Read a second time, the Bill to be intituled 'An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned.'

On motion, the House went into the consideration of the said Bill, and agreed to the same.

Ordered, that the said Bill be engrossed.

The Honourable *John Brecken*, to whom was committed the Bill intituled 'An Act for declaring the Seats of Members of the Assembly vacated in certain cases,' reported the same.

On motion, the House went into the consideration of the said Bill, and agreed to the same with an amendment, which is as follows, viz:—

*Folio 3, line 15.*—After the word "Speaker," insert "And be it further enacted, that any  
 " Member of the House of Assembly, who shall hereafter, either directly, or  
 " indirectly, enter into any contract for the performance of any public work  
 " within this Island, or who shall become security for the same, shall vacate  
 " his seat in the said House of Assembly, in the same manner and under the  
 " same regulations as are provided for by this Act, in cases where he shall have  
 " accepted any office of emolument under the Crown."

Ordered, that the said Amendment be engrossed.

Adjourned until 12 o'clock to-morrow.

**TUESDAY, February 10th, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Hon. *Chief Justice Jarvis*, President;

|                 |   |                                                                                                                                                                                        |
|-----------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Honourables | { | <i>George Wright,</i><br><i>Ambrose Lane,</i><br><i>T. H. Haviland,</i><br><i>Charles Worrell,</i><br><i>The Attorney General,</i><br><i>John Brecken,</i><br><i>J. Spencer Smith.</i> |
|-----------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Adjourned until 1 o'clock to-morrow.

**WEDNESDAY, February 11th, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Hon. *Chief Justice Jarvis* President;

|                 |   |                                                                                                                                                               |
|-----------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Honourables | { | <i>Ambrose Lane,</i><br><i>T. H. Haviland,</i><br><i>Charles Worrell,</i><br><i>The Attorney General,</i><br><i>John Brecken,</i><br><i>J. Spencer Smith.</i> |
|-----------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------|

**PRAYERS**

**T**HE following Message was received from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honourable T. Spring Rice, transmitting an Order of His Majesty in Council, dated the 15th August last, disallowing an Act passed by the Legislature in the month of March last, intituled 'An Act to suspend for one year a certain part of an Act passed in the Third year of His present Majesty's Reign, authorizing a further issue of Treasury Notes, to the amount of Five Thousand Pounds.'

Government House, 11th Feb. 1835.

[COPY.]

No. 10.

DOWNING STREET, 16th October, 1834.

SIR,

An Act intituled "An Act to suspend for one year a certain part of an Act passed in the 'Third Year of His present Majesty's Reign, authorizing a further issue of Treasury Notes, 'to the amount of Five Thousand Pounds,'" passed by the Legislature of Prince Edward Island, in the month of March last, and reserved for the signification of His Majesty's pleasure, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to His Majesty their opinion, that the said Act should, for the reasons stated in the accompanying extract of their Report, be disallowed; and I have the honour herewith to transmit to you an Order of His Majesty in Council, dated the 15th August, approving that Report.

The issue of Government Notes in the year 1833, amounting to Five Thousand Pounds, was made upon the security of an Assessment on land, imposed only for Five years, and not expected to produce much more than One Thousand Pounds in each year of its duration. And it is therefore evident that any diversion of that Revenue from its proper object would eventually leave unprovided for, one fifth part of the Notes for which it was pledged. It would add One Thousand Pounds permanently to the amount of the paper to remain in circulation in the Colony; and every repetition of such a measure would produce a further addition of One Thousand Pounds to that species of currency.

I am sure that when the Legislature passed the Act, they cannot have perceived that its effect and tendency were such as I have now described; and I doubt not that they will be fully sensible of the necessity of the decision, which, seeing that the measure has not yet taken any practical effect, His Majesty in Council has been advised to pronounce upon this Act.

Having already, in my communication of the 22d July last, desired you not to assent to any Act authorizing an issue of Government paper or securities, except with the previous sanction of His Majesty's Government, I shall merely, on the present occasion, desire, that neither will you hereafter assent to any Act (unless it contain a suspending clause) for dispensing with any provision which may previously have been made for the redemption of Notes already in circulation.

I have &amp;c.

(Signed)

T. SPRING RICE.

Lt. Governor Sir A. W. Young.

[COPY.]

AT THE COURT AT SAINT JAMES'S THE 15th AUGUST, 1834.

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY.

Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Lord Steward,  
Earl of Albemarle,  
Viscount Melbourne,  
Viscount Duncannon,

Viscount Althorpe,  
Lord Auckland,  
Mr. Abercromby,  
Sir J. Hobhouse, Bart.  
Mr. Ellice,  
Mr. Sec'y. Spring Rice.

Whereas the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did pass an Act in the month of March last, which has been transmitted, entitled as follows, viz.

No. 402. "An Act to suspend for one year, a certain part of an Act passed in the third year of His present Majesty's reign, authorizing a further issue of Treasury Notes, to the amount of Five Thousand Pounds:"

Which Act having been referred to the Committee of the Lords of His Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, the said Lords of the Committee have reported as their opinion to His Majesty, that the said Act should not receive His Majesty's Royal confirmation; His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

W. L. BATHURST.

[COPY.]

Extract from a Report of the Lords of the Committee of Council for Trade, dated the 11th August, 1834, upon an Act passed in Prince Edward Island, in the Month of March, 1834, entitled

No. 402—“*An Act to suspend for one year, a certain part of an Act passed in the third year of His present Majesty's Reign, authorizing a further issue of Treasury Notes, to the amount of Five Thousand Pounds.*”

‘It appears to their Lordships to be inexpedient to divert from its proper object the Fund appropriated for redeeming the Government Notes issued in Prince Edward Island last year. Their Lordships are therefore humbly of opinion, that this Act should be disallowed.’

Ordered, that the said Documents do lie on the Table.

On motion, the Bill intituled “An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned,” was read a third time and passed.

Ordered, that the said Bill be sent down to the House of Assembly, for their concurrence.

The Honourable *John Brecken*, from the Committee appointed to examine into, and report upon such Laws as are near expiring—Reported a follows, viz:—

The Act of 10th Geo. 4th, cap. 14, intituled ‘An Act to amend an Act intituled An Act to render perpetual an Act intituled An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island,’ will expire on the last day of the present Session.

The Act of 11th Geo. 4th, cap. 14, intituled ‘An Act to regulate Hawkers and Pedlars travelling within this Island,’ will expire on the 28th day of April next.

The Act of 11th Geo. 4th, cap. 16, intituled ‘An Act to authorize a further issue of Treasury Notes, and to continue an Act intituled An Act to revive and continue two certain Acts therein mentioned,’ will expire on the 28th day of April next.

The Act of 1st Will. 4th, cap. 15, intituled ‘An Act to authorize a further issue of Treasury Notes,’ will expire on the 12th day of May next.

The Act of 2d Will. 4th cap. 25, intituled ‘An Act to provide for the better preservation of public and private Property at Georgetown, against accidents by Fire,’ will expire on the 4th day of April next.

The Act of 3d Will. 4th, cap. 25, intituled ‘An Act to make more effectual provision for preventing the Spreading of infectious Distempers within this Island, by establishing Boards of Health,’ will expire on the last day of the present Session.

The Act of 3d Will. 4th, cap. 28, intituled ‘An Act to continue for one year an Act regulating the practice of the Supreme Court, in cases of Replevin,’ will expire on the last day of the present Session.

The Act of 4th Will. 4th, cap. 8, intituled 'An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment,' will expire on the 27th day of March next.

The Act of 4th Will. 4th, cap. 19, intituled 'An Act to continue an ad-valorem Duty on all Goods, Wares and Merchandize imported into this Island, with certain exceptions,' will expire on the 7th day of May next.

The Act of 4th Will. 4th, cap. 20, intituled 'An Act to continue for one year, an Act levying a Duty on Tobacco and Tea,' will expire on the 7th day of May next.

The Act of 4th Will. 4th, cap. 21, intituled 'An Act for continuing for one year, an Act for imposing an additional Duty on Wines and Spirituous Liquors, will expire on the 7th day of May next.

Ordered, that the said Report do lie on the Table.

Mr. Secretary Collins, by order of His Excellency the Lieutenant Governor, laid before the House a List of the names of persons to whom Licences have been granted under an Act of the Eleventh year of the Reign of His late Majesty, intituled 'An Act to regulate Hawkers and Pedlars travelling within this Island,' as requested by this House.

On motion, that a Conference be desired with the House of Assembly, on the Bill intituled 'An Act to prevent Hawkers and Pedlars travelling and selling within this Colony, without Licence'—the question being put, the House divided:

CONTENTS.

*The Chief Justice,  
T. H. Haviland,  
Charles Worrell,  
John Brecken,  
J. Spencer Smith.*

NON-CONTENTS.

*Ambrose Lane,  
The Attorney General.*

So it passed in the affirmative.

On motion, ordered, that the Honourable *T. H. Haviland* and *J. Spencer Smith* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow at Twelve o'clock.

Ordered, that a Message be sent to the House of Assembly, acquainting them therewith.

Read a third time, and passed, the Bill intituled 'An Act to amend and render perpetual certain Laws now in force, relating to Treasury Notes.'

Ordered, that the said Bill be sent down to the House of Assembly.

The Honourable the *Chief Justice* moved for leave to bring in a Bill to improve the administration of Justice in Criminal Cases in this Island—Leave being granted, the said Bill was brought in, and read a first time.

On motion, ordered, that the second reading of the said Bill do stand as the Order of the Day for Wednesday next.

A Message from the House of Assembly, by Mr. *Brenan*:

"*Mr. President,*

"The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill for preventing Hawkers and Pedlars travelling and selling within this Colony without Licence, and have appointed Mr. *Brenan*, Mr. *Binns*, Mr. *Nelson*, and Mr. *Le lacheur* a Committee to manage the same, at the time and place appointed by the Legislative Council.

"WILLIAM CULLEN, Clerk.

"House of Assembly, Feb. 11th, 1835."

Adjourned until 1 o'clock to-morrow.

**THURSDAY, February 12th, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**PRAYERS.**

**R**EAD the proceedings of yesterday.

The Committee appointed to confer with a Committee of the House of Assembly, on the Bill intituled 'An Act for preventing Hawkers and Pedlars travelling and selling within this Colony without Licence,' having gone to the Conference, and returned—the Honourable *T. H. Haviland* reported the substance thereof.

On motion, the House resumed the consideration of the Bill intituled 'An Act for declaring the Seats of Members of the Assembly vacated, in certain cases,' and further amended the same, as follows, viz:—

Strike out the Title of the Bill, and insert the following Title, viz:

"An Act for vacating the seats of Members of the Assembly, in certain cases therein mentioned."

Ordered, that the said Amendment be engrossed.

On motion, the said Bill was read a third time, and passed, with the Amendment.

Ordered, that the said Bill, as amended, be sent down to the House of Assembly for their concurrence.

Adjourned until 12 o'clock to-morrow.

**FRIDAY, February 13th, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**PRAYERS.**

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Pope*, with the following Bill, agreed to without any amendment, viz:—A Bill intituled 'An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned.'



Also, with the following written Message:

“*Mr. President,*

“The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference—and have appointed the same Committee who managed the last Conference, to manage this further Conference.

• “WILLIAM CULLEN, Clerk.

“House of Assembly, February 13th, 1835.”

On motion, ordered, that the further Conference, as desired by the House of Assembly, be agreed to, and that the same Committee who managed the former Conference do manage this, to meet the Committee of the Assembly in the Committee-Room instant.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon, the Committee went to the Conference—and having returned, reported the substance thereof.

Adjourned until 12 o'clock to-morrow.

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## SATURDAY, February 14th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

The Honourable the *Attorney General* obtained leave to absent himself on Monday next.

Adjourned until Monday next at 12 o'clock.

**MONDAY, February 16th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis* President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of Saturday.

A Message from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from Mr. Secretary Spring Rice, transmitting an Act of the Imperial Parliament, repealing so much of the Statute, 5th Geo. 3d, cap. 25, as authorizes the taking of certain Rates of Inland Postage within His Majesty's Dominions in North America, from the time when His Majesty's consent shall be signified to Acts of the Provincial Legislatures imposing the same, or other Rates of Postage, and making such regulations for the management of the Post Office, by the Postmaster General or his Deputies, as to the Legislatures may seem expedient.

In order to establish a practicable system, it is essential that a uniformity of view should pervade the Bills to be passed by the Provincial Legislatures, and His Majesty's Government has, therefore, thought it best to direct the preparation of one common Bill, to be submitted to them, the draught of which the Lieutenant Governor now lays before the Council for their information and guidance.

Government House, Feb. 14, 1835.

[COPY.]

CIRCULAR.

DOWNING STREET, 5th October, 1834.

SIR,

The representations which have from time to time been received from the Legislatures and Inhabitants of several of the Colonies in North America, respecting the Internal Postage in that part of the British Dominions, have not failed to attract the serious attention of His Majesty's Government; and I have now the gratification to send you an Act passed in the late Session of Parliament, which I hope will prove the means of settling this important question to the satisfaction of all parties.

The Act provides, that so much of the Statute 5th Geo. 3, cap. 25, as authorizes the taking of certain rates of Inland Postage within His Majesty's Dominions in North America shall be repealed, from the time when His Majesty's consent shall be signified to Acts of the Provincial Legislatures, imposing the same or other rates of Postage, and making such regulations for the management of the Post Office, by the Postmaster General, or his Deputies, as to the Legislatures may seem expedient.

You will observe, that in order to give effect to this Act, certain Bills must be passed by the Provincial Legislatures, and receive the Royal Assent; and I need scarcely add, that to

establish a practicable system, it is essential that a uniformity of view should pervade their Bills. His Majesty's Government, therefore, in order to secure these important conditions, has thought it best to direct the preparation of one common Bill, to be submitted to the Legislative Council and Assembly of each Colony affected by the present measure.

I have the honour to enclose the draft thus prepared, which you will cause to be brought before the Assembly.

You will at the same time assure the Assembly, that the Bill has been framed with the most anxious deliberation on the part of the Postmaster General and my predecessor, and with the most minute attention to every detail which it embraces.

It was found impossible to devise any practicable plan for keeping separate the accounts of the Post Office Revenue and Expenditure in each possession in North America; and when the accounts were blended, no mode of distributing the surplus Revenue appeared to be free from serious objection, except to apportion it according to the gross amount of Postage collected within each Colony; a provision, therefore, to this effect, has been made in the Imperial Act of Parliament. In order, however, to admit of any other plan which might be preferred by the Provincial Legislatures, a power has been left to them to alter this clause by local enactments. I should scarcely anticipate that at the present time any more eligible expedient is likely to be suggested than the one adopted by the Imperial Act, and as any alteration of it could not be carried into effect until agreed to by each separate Legislature, it is perhaps to be wished, that at any rate for a period sufficient to try the remainder of the proposed measures, the provision made by Parliament on this point should remain untouched.

I shall now proceed to offer a few explanatory remarks on the Bill proposed to the acceptance of the Legislative Council and Assembly of Prince Edward Island.

The projected Tariff of Postage effects a considerable reduction upon the existing rates, more especially in the longer distances.

The tendency of this arrangement to encourage intercourse between the more widely separated portions of His Majesty's extensive territory in North America, will not fail, I feel assured, to meet the approbation of the Legislative Council and Assembly. In settling the scale of Postage, His Majesty's Government has been guided in a great measure by the Report of a Committee of the House of Assembly in Upper Canada, which sat about three years ago, and which is understood to have founded its recommendation chiefly on the rates of charge in the United States.

In the important matter of the charges on the conveyance of Newspapers and printed periodical works, His Majesty's Government has not been unmindful of the representations which it has from time to time received of the wishes of the people in British North America. A rate of Postage is proposed in the present Bill, which is little more than one half of the rate charged in the United States, and which is as low as it could be, unless the papers were conveyed for nothing, a course which might render the amount of business in the Post Office perfectly unmanageable.

It will be observed that the Bill confers on the Deputy Postmaster General the power of determining, with the concurrence of the Government and the Executive Council, what shall be deemed a Newspaper, Printed Vote, &c. within the meaning of the Act. This power is designed to spare the necessity of tedious actions at law to ascertain doubtful points, and is conformable with a power which has been given to the Postmaster General in this country, in concurrence with the Lords Commissioners of the Treasury, by the late Act 4th and 5th Will. 4th, cap. 44.

I have now to draw your attention to a very important part of the Bill. Should the Post Office Revenue prove unequal to the expenditure, it is obvious that there must be some immediate means of supplying the want. A temporary deficiency in the Post Office Revenue, however short, must be attended with the most serious inconvenience, as affecting a service which could not stop for a day without injuring the commerce and confounding the general transactions of the whole country. Impressed by this view, His Majesty's Government has determined, with a full sense of the discretionary authority which the measure will place in the Governor, to propose a clause, authorizing him to grant a warrant for any sum within certain specified limits, which may be shewn to his satisfaction to be necessary for the conduct of the Post Office department.

In considering the limits to be assigned to this authority in each Colony, the Government has been guided by the following portions of a Report from the Deputy Postmaster General at Quebec:

"The Deputy Postmaster General of British North America supposes, on a rough estimate, that the deficiency in receipts to meet the current expenditure in the management of the Post Office Department, may amount to even as much as £6000 per annum. And he states that without some certain means of obtaining that or any less deficiency, the business of the department would come to a stand still, and the framers of the law would be upbraided for not having provided against such a contingency. Calculating the supposed deficiency at the maximum of £6000, he proceeds to state that the following sums correspond pretty nearly with the proportionate amount of Postage business transacted within the Provinces:"

Lower Canada.....	£2000
Upper Canada.....	2000
Nova Scotia.....	1200
New Brunswick.....	600
Prince Edward Island.....	200
Total .	£6000.

Conformably with the foregoing Report, £200 is proposed as the extent to which the Officer administering the Government may issue warrants on account of the Post Office in Prince Edward Island.

It is contemplated to attach the privilege of franking to seats in the Council and Assembly, in imitation of the right enjoyed by the Members of the two Houses of Parliament in this country. I hope that this provision will be deemed just in principle, and conducive to that distinction which it must be desirable to confer on individuals who form part of the Legislature of the country.

Before I conclude this Despatch, I wish to offer a few remarks with reference to the mode in which it is desirable that the proposed Bill should be introduced for the consideration of the Colonial Legislature. On this point I must confess that I feel considerable difficulty in furnishing you with any definite instructions. In carrying into effect the amendments in the old law of 5th Geo. 3, cap. 25, His Majesty's Government would have preferred, after having passed the necessary Imperial Statute, to have left the subsidiary Provincial re-enactments to the discretion of the different Legislatures. But it was felt that the efficiency of the measure depended almost entirely on an uniformity of Legislation in the several Provinces, and this could only be accomplished by preparing in this country a draft of the Bill which the Imperial Act would render necessary. The only objection to this course has been, that it might be construed into an interference with the deliberations of the Provincial Legislatures, which it is desirable to leave, on all occasions, free and unshackled. I should hope, however, that in a question of this nature, there is no reason to fear such an objection. Under any circumstances, however, I think it will be desirable that you should endeavour to impress upon the Assembly the necessity of their abstaining, as much as possible, from amendments destructive of the uniformity of the Bill. There are some clauses, nevertheless, which are left wholly for the decision of the Colonial Legislatures. I allude to the punishments to be inflicted under the Act. His Majesty's Government have felt great delicacy in offering any suggestion on these points; and it is, perhaps, the most satisfactory course to leave them to the consideration of the Assemblies themselves, who will, I doubt not, devote to the subject that mature deliberation which its importance demands. It is, of course, necessary that all the Acts passed by the several Legislatures on the present subject should take effect from the same day. The 1st of January, 1836, is named in the accompanying draft, in order to secure ample time for the due consideration of the Acts.

I have, &c.

(Signed)

T. SPRING RICE.

[ Copy of the Imperial Act referred to in the foregoing Despatch.]

CAP. VII.

An Act to repeal, at the period within mentioned, so much of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled "An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen *Anne*, and in other Acts relating to the Revenue of the Post Office, as authorizes the taking of certain Rates of Inland Postage within His Majesty's Dominions in *North America*. [26th March, 1834.]

**WHEREAS** by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled "An Act to alter certain Rates of Postage, and to amend, explain and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen *Anne*, and in other Acts relating to the Revenue of the Post Office, His Majesty's Post Master General was authorized to take and receive certain Rates of Postage in the said Act specified for the Postage and Conveyance of Letters and Packets within the *British* Dominions in *America*: And whereas the said Rates have been collected in the *British* Colonies and Provinces in *North America*, by His Majesty's Post Master General or his Deputies, and the Surplus thereof, after payment of the Charges of Collection and Management, have been remitted to the General Post Office in *London*, as part of the General Revenue of the Post Office: And whereas it is expedient that henceforward the *British* Colonies and Provinces in His Majesty's Dominions in *North America*, having local and independent Legislatures, should be enabled by the authority of such Legislatures to levy, for the Inland Postage of Letters and Packets within such Colonies and Provinces, such Rates as to the said Legislatures shall seem meet and also to make such Regulations for the management of the Post Office within such respective Provinces and Colonies, by His Majesty's Post Master General or his Deputies, as to such Legislatures may seem expedient; and that the surplus Revenue arising from the collection of such Rates should be applied and appropriated for the use and benefit of such respective Colonies and Provinces: Be it therefore enacted, by the Kings most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after His Majesty's consent shall in the usual form be signified by the Governors or Deputy Governors of His Majesty's Colonies or Provinces in *North America* to Bills or Acts of the Legislatures of such respective Colonies or Provinces, authorizing the demanding and taking within such respective Colonies or Provinces, by His Majesty's Postmaster General or his Deputy or Deputies, the like Rates of Postage as are authorized to be received and taken by the said recited Act of the Fifth Year of the Reign of His late Majesty King *George* the Third, or such other Rates of Postage as in and by such Bills or Acts respectively may be mentioned and authorized to be received and taken, and for making such Regulations for the management of the Post Office within such Colonies and Provinces, by His Majesty's Postmaster General or his Deputies, as shall be therein directed, then the said Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, so far as the said Act authorizes the demand and receipt of any Rates for the Inland Carriage and Conveyance of Letters and Packets within such Colonies or Provinces respectively, shall thenceforth be absolutely repealed, and be no longer of any effect.

II. And be it further enacted, That from and after His Majesty's Consent shall be so signified to such Bills or Acts of Colonial or Provincial Legislatures as herein before mentioned, all the Revenue which may arise from the collection of the Rates of Inland Postage within the said respective Colonies or Provinces (after deducting the expences of collection, and of the establishment and management of the Post Office within and throughout the said respective Colonies or Provinces under the direction of His Majesty's Postmaster General or his Deputies,) shall and may, instead of being remitted as heretofore to the General Post Office in *London*, as part of the general Revenue of the Post Office, be appropriated, applied and distributed to and among the said respective Colonies and Provinces in proportion to the gross Amount of the Rates and Duties of Postage which shall be raised, collected and received within each and every such respective Colonies or Provinces, unless and until the said

Colonies or Provinces shall, by Bills or Acts of their respective Legislatures, to which His Majesty's Consent shall in the usual form be signified, unite and agree in directing any other mode in which such Surplus shall be applied and disposed of.

III. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Ordered, that the said Documents do lie on the Table.

Adjourned until 12 o'clock to-morrow.

## TUESDAY, February 17th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i>
		<i>Ambrose Lane,</i>
		<i>T. H. Haviland,</i>
		<i>The Attorney General,</i>
		<i>John Brecken,</i>
		<i>J. Spencer Smith.</i>

### PRAYERS.

**R**EAD the proceedings of yesterday.

The Honourable the *Attorney General* moved for leave to present a Petition from John M'Williams, a Prisoner for Debt within the Limits of the Jail of Charlotte Town, praying for relief—Leave being granted, the said Petition was read.

Ordered, that the said Petition do lie on the Table.

Adjourned until 12 o'clock to-morrow.

## WEDNESDAY, February 18th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>T. H. Haviland,</i>
		<i>The Attorney General,</i>
		<i>John Brecken,</i>
		<i>J. Spencer Smith.</i>

### PRAYERS.

**R**EAD the proceedings of yesterday.

The Honourable the *Chief Justice* moved for leave to bring in a Bill to amend the Statute Law of this Island, relating to Offences against the person and property, and to repeal the Act relating to Treasons and Felonies—Leave being granted, the said Bill was brought in, and read a first time.

Pursuant to the Order of the Day, the Bill for improving the administration of Justice in Criminal Cases within this Island, was read a second time.

On motion, the House resolved itself into a Committee of the whole House on the said Bill—and after some time spent therein, the President reported, that the Committee had agreed to the same.

Ordered, that the Report of the Committee be received.

Ordered, that the said Bill be engrossed.

On motion, ordered, that the Bill to amend the Statute Law of this Island, relating to Offences against the person and property, and to repeal the Act relating to Treasons and Felonies, be the Order of the Day for to-morrow.

Adjourned until 12 o'clock to-morrow.

## THURSDAY, February 19th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

Pursuant to the Order of the Day, the Bill to amend the Statute Law of this Island, relative to Offences against the person and property, and to repeal the Act relating to Treasons and Felonies, was read a second time.

On motion, the House resolved itself into a Committee of the whole House on the said Bill—and after some time spent therein, the President reported, that the Committee had agreed to the said Bill, under the Title of a Bill intituled 'An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies.'

Ordered, that the Report of the Committee be received.

Ordered, that the said Bill as amended be engrossed.

Adjourned until 12 o'clock to-morrow.

**FRIDAY, February 20th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Macdonald*, with the Bill intituled 'An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned,' agreed to, as amended by the Legislative Council.

Adjourned until 12 o'clock to-morrow.

**SATURDAY, February 21st, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**READ** the proceedings of yesterday.

Read a third time, and passed, the Bill intituled 'An Act to improve the administration of Justice in Criminal Cases in this Island.'

Ordered, that the said Bill be sent down to the House of Assembly for their concurrence.

Adjourned until 12 o'clock on Monday next.



**MONDAY, February 23d, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i>
		<i>Ambrose Lane,</i>
		<i>T. H. Haviland,</i>
		<i>Charles Worrell,</i>
		<i>The Attorney General,</i>
		<i>John Brecken,</i>
		<i>J. Spencer Smith.</i>

PRAYERS.

**READ** the proceedings of Saturday.

Read a third time and passed, the Bill intituled 'An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies'

Ordered, that the said Bill be sent down to the House of Assembly, for their concurrence.

Adjourned until 12 o'clock to-morrow.

**TUESDAY, February 24th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i>
		<i>Ambrose Lane,</i>
		<i>T. H. Haviland,</i>
		<i>Charles Worrell,</i>
		<i>The Attorney General,</i>
		<i>John Brecken,</i>
		<i>J. Spencer Smith.</i>

PRAYERS.

**READ** the proceedings of yesterday.

There being no business before the House—

Adjourned until 12 o'clock to-morrow.

**WEDNESDAY, February 25th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken.*

PRAYERS.

**R**EAD the proceedings of yesterday.

There being no business before the House—

Adjourned until 12 o'clock to-morrow.

**THURSDAY, February 26th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**T**HERE being no business before the House—

Adjourned until 12 o'clock to-morrow.

## FRIDAY, February 27th, 1835.

The Council met, pursuant to adjournment.

PRESENT.

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS:

**A** Message from the House of Assembly, by Mr. *Green*, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:—

A Bill intituled 'An Act to alter and amend an Act of the Second Year of the present King, for providing Salaries for Sub-Collectors of Customs.'

Also, a Bill intituled 'An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin.'

Read the said Bills a first time.

On motion, ordered, that the said Bills do stand as the Order of the Day for Monday next.

Adjourned until 12 o'clock to-morrow.

## SATURDAY, 28th February, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *Charles Worrell,*  
*The Attorney General,*  
*John Brecken.*

PRAYERS.

**T**HERE not being a Quorum—

Adjourned until 12 o'clock on Monday next.

**MONDAY, March 2d, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**PRAYERS.**

**T**HE Order of the Day having been read—

On motion, ordered, that the same, so far as relates to the Bill intituled “An Act to alter and amend an Act of the Second year of the present King, for providing Salaries for Sub-Collectors of Customs,” be postponed until this day three months.

The Bill intituled “An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court, in cases of Replevin,” was read a second time.

On motion, ordered, that the said Bill be committed to the Honourable the *Attorney General*, to report thereupon.

Adjourned until 12 o'clock to-morrow.

**TUESDAY, March 3d, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**PRAYERS.**

**R**EAD the proceedings of yesterday.

There being no business before the House—

Adjourned until 12 o'clock to-morrow.

**WEDNESDAY, March 4th, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**PRAYERS.**

**A** Message from the House of Assembly, by Mr. *Binns*, with the following Bill, to which they desire the concurrence of the Legislative Council, viz:—

A Bill intituled “An Act to consolidate and amend the Election Laws”—also with the

Bill intituled “An Act to improve the administration of Justice in Criminal Cases in this Island, passed with certain Amendments, to which they desire the concurrence of the Legislative Council.

On motion, the Bill intituled “An Act to consolidate and amend the Election Laws,” was read a first time.

Ordered, that the said Bill do stand as the Order of the Day for Friday next.

On motion, the Bill intituled “An Act to improve the administration of Justice in Criminal Cases in this Island,” was read with the Amendments.

Ordered, that the same do stand as the Order for to-morrow.

Adjourned until 12 o'clock to-morrow.

**THURSDAY, March 5th, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*J. Spencer Smith.*

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Pursuant to the Order of the Day, the House went into the consideration of the Amendments made by the House of Assembly to the Bill intituled “An Act to improve the administration of Justice in Criminal Cases in this Island.”

And the Amendments were read, and are as follows, viz:—

*Folio 1, line 19*—After the word 'Statute' insert 'And be it enacted, that it shall and may be lawful for any Justice of the Peace, when any person shall be arrested and brought before him on suspicion of Felony only, or for any offence which may at the time be tried at any Sessions of the Peace, to bail such person to appear at the next sitting of the Court, proper for the trial of the charge made against him or her.'

*Folio 2, line 3*—After the word 'felony,' insert 'misdemeanor, or suspicion thereof.'

*Same Folio—line 12*—After the word 'felony,' insert 'misdemeanor, or suspicion thereof.'

*Folio 3, line 6*—After the word 'felony,' insert 'misdemeanor, or suspicion thereof.'

*Folio 4, line 10*—Strike out from the word 'and' to the word 'felony,' in folio 5, line 11, both inclusive,

*Folio 12, line 19*—After the word 'actually,' strike out the word 'been.'

*Folio 19, last line*—After the word 'accordingly,' insert the following clause—'And be it further enacted, that all persons who shall be tried for any offence whatsoever, before any Court of Record in this Island, shall be allowed to make full defence by Counsel, the same as in all Civil Causes or Trials.'

*Folio 25, line 13*—Strike out from the word 'for' to the word 'taken,' in line 15, both inclusive, and insert 'for which Certificate, a fee of two shillings and sixpence shall be taken, and no more.'

By the House,  
WILLIAM CULLEN, Clerk.

On motion, ordered, that a Conference be desired with the House of Assembly on the foregoing Amendments.

Ordered, that the Honourables *T. H. Haviland* and the *Attorney General* be a Committee to manage the same, to meet in the Committee Room to-morrow at One o'clock.

The following Message was received from His Excellency the Lieutenant Governor, by Mr. Secretary Collins, viz:—

'A. W. YOUNG, Lieutenant Governor.

'The Lieutenant Governor is desirous, that His Majesty's Legislative Council, at its rising on Saturday next, should adjourn to Saturday the Fourteenth instant.

'Government House, March 4th, 1835.'

Adjourned until 12 o'clock to-morrow.

FRIDAY, March 6th, 1835.

The Council met, pursuant to adjournment.

PRESENT.

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
                          *T. H. Haviland,*  
                          *Charles Worrell,*  
                          *The Attorney General,*  
                          *John Brecken,*  
                          *J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Binns*, with a Bill intituled 'An Act to repeal part of a certain Act therein mentioned, for

regulating the conveyance of the Mails by a Steam Vessel, to which they desire the concurrence of the Legislative Council.—Also, with the

Bill intituled ‘An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies,’ passed with certain Amendments, to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:

“*Mr. President,*

“The House of Assembly do agree to a Conference, at the time and place, as desired by the Legislative Council, on the Amendments made by the Assembly to the Bill intituled ‘An Act to improve the administration of Justice in Criminal Cases in this Island’—and have appointed *Mr. Palmer, Mr. Binns, Mr. Pope and Mr. Brennan* a Committee to manage the same.”

Thereupon, the Committee went to the Conference—and having returned, reported the substance thereof.

Pursuant to the Order of the Day, the Bill intituled ‘An Act to consolidate and amend the Election Laws,’ was read a second time.

Ordered, that the said Bill be committed to the Honourables *John Brecken* and *J. Spencer Smith* to report thereupon.

On motion, the Bill intituled ‘An Act to repeal part of a certain Act therein mentioned, for regulating the conveyance of the Mails by a Steam Vessel,’ was read a first time.

Ordered, that the said Bill do stand as the Order of the Day for to-morrow.

Read a first time the Amendments made by the House of Assembly to the Bill intituled ‘An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies.’

Adjourned until 11 o’clock to-morrow.

## SATURDAY, March 7th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

The Order of the Day having been read—

On motion, ordered, that the same be postponed until Monday the Sixteenth Day of March instant.

Adjourned until Saturday next, the 14th instant, at 12 o’clock.

**SATURDAY, March 14th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i> <i>T. H. Haviland,</i> <i>The Attorney General,</i> <i>John Brecken,</i> <i>J. Spencer Smith.</i>
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PRAYERS.

**R**EAD the proceedings of Saturday last.

A Message from the House of Assembly, by Mr. *Palmer*.

“*Mr. President,*

“The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, to manage this further Conference.”

Also, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:—

A Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony;”

A Bill intituled “An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island;”

A Bill intituled “An Act for the encouragement of Temperance, by allowing the Retail of Ale, Beer, Porter and other Liquors at a reduced rate of Licence, and to amend the Act relating to Licences for Strong and Spirituous Liquors.”

A Bill intituled “An Act to authorize the closing of a certain Road within the Royalty of Princetown.”

Read the said Bills a first time.

On motion, ordered, that a further Conference be agreed to, as desired by the House of Assembly, on the subject matter of the last Conference, and that the same Committee who managed the last Conference be a Committee to manage this further Conference, to meet in the Committee-Room instantler.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon, the Committee went to the Conference—and having returned, reported, that the House of Assembly agree to the Amendment made by the Council to the first of their Amendments, and that they do not insist on the seventh of their Amendments to the said Bill.

Ordered, that the said Bill as amended be re-engrossed.

Adjourned until 12 o'clock on Monday next.



**MONDAY, March 16th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of Saturday.

The Order of the Day having been read—

On motion, ordered, that the same be discharged, and made the Order of the Day for to-morrow.

The Honourable *John Brecken*, from the Committee to whom was committed the Bill intituled “An Act to consolidate and amend the Election Laws”—reported the same.

Ordered, that the said Report be received.

The Honourable the *Attorney General*, to whom was committed the Bill intituled “An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court, in cases of Replevin”—reported the same.

Ordered, that the said Report be received.

On motion, the House went into the consideration of the said Bill.

Ordered, that the said Bill do stand for further consideration until to-morrow.

On motion, the House went into the consideration of the Amendments made by the House of Assembly to the Bill intituled “An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies”—and the said Amendments were read, and are as follows, viz:—

*Folio 2, line 14*—Strike out the words “and none other.”

*Folio 7, line 12*—After the word “intent,” insert “and miscarriage shall take place in consequence thereof.”

*Same folio, line 18*—Strike out the words “not being,” and insert “being or not being then quick with child.”

*Folio 8, line 3*—After the word “intent,” insert “and no miscarriage shall take place in consequence thereof; or if miscarriage shall take place in consequence thereof, when the woman was not quick with child.”

*Same folio, line 8*—Strike out the word “two,” and insert the word “four.”

*Folio 9, last line*—After the word “only,” insert “Provided always, that if complaint shall not be made of the ravishment of any Woman or Infant above ten years of age, within ten days after the commission of the crime (unless in cases where the Female shall be unable to make such complaint), before one of His Majesty’s Justices of the Peace, or other Magistrate, then such fact shall be adjudged to have been committed by and with the consent of such woman or infant.”

*Folio 11, line 4*—After the word “award,” insert “Provided always, that no imprisonment in any such case shall exceed the term of one year; and that no prosecution shall take place unless complaint of such abduction shall be made before some Magistrate within one Calendar month after the same shall have occurred.”

- Folio 14, line 17*—Strike out from the word “and” to the word “Felon,” in *Folio 15, line 1*, both inclusive, and insert—“And be it enacted, That if any person shall feloniously take money or goods, or any valuable security, from the person of any other, every such offender, being convicted thereof, shall be punished by whipping, (if a male,) hard labour and imprisonment, with or without solitary confinement, not exceeding Seven Years, at the discretion of the Court.”
- Folio 17, line 15*—Strike out from the word “and” to the word “Felon,” in line 17, both words inclusive, and insert—“And be it enacted, That every person convicted of Burglary shall be punished by whipping (if a male,) hard labour and imprisonment, with or without solitary confinement, not exceeding Seven Years, at the discretion of the Court.”
- Folio 23, line 20*—Strike out from the word “in” to the word “offence,” in *Folio 24, line 1*, both words inclusive, and insert “of any act done by him in which he may.”

When the First, Sixth, Seventh and Tenth of the said Amendments were agreed to—

On motion, ordered, that a Conference be desired with the House of Assembly on the Second, Third, Fourth, Fifth, Eighth and Ninth of the said Amendments.

Ordered, that the Honourables *T. H. Haviland* and the *Attorney General* be a Committee to manage the same, to meet in the Committee Room to-morrow at One o'clock.

A Message from the House of Assembly, by *Mr. Pope*, with the following Bill, to which they desire the concurrence of the Legislative Council, viz:—

A Bill intituled “An Act relating to Marriages.

Also, with the following written Message:

“*Mr. President,*

“The House of Assembly do agree to a Conference, as desired by the Council to the Amendments made to the Bill intituled ‘An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies,’ and have appointed *Mr. Binns*, *Mr. Pope* and *Mr. Brennan* a Committee to manage the same.”

Read a first time, the Bill intituled “An Act relating to Marriages.”

Adjourned until 11 o'clock to-morrow.

**TUESDAY, March 17th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

PRAYERS.

The Honourables { *George Wright,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, ordered, that the Order of the Day for the consideration of the Bill intituled “An Act to repeal part of a certain Act therein mentioned, for regulating the conveyance of the Mails by a Steam Vessel,” be read a second time this day three months.

On motion, the House went into the consideration of the Bill intituled "An Act to consolidate and amend the Election Laws," and amended the same as follows, viz:—

*Folio 8, line 12*—Strike out the word 'Eight,' and insert the word 'Ten.'

*Folio 10, line 13*—Strike out the word 'Eight,' and insert the word 'Ten.'

*Folio 12, line 4*—Strike out the word 'in,' and insert the words 'marked in the original plan of this Island, as part of'

*Folio 13, line 9*—Strike out the words 'Forty Shillings,' and insert the words 'Five Pounds.'

*Folio 18, line 7*—Strike out the word 'person,' and insert the word 'Elector.'

*Same folio, line 17*—Strike out the word 'person,' and insert the word 'Elector.'

*Folio 19, line 11*—Strike out the word 'person,' and insert the word 'Elector.'

*Folio 30, line 12*—Strike out the words 'in large and plain type.'

*Folio 34, line 13*—After the word 'through,' insert the words 'or in case there shall not have been any scrutiny, then after the Candidate or Candidates shall have been declared duly elected.'

*Same folio, line 15*—Strike out the word 'thereon.'

*Folio 36, line 10*—After the word 'same,' insert as follows:

'And be it further enacted, That in the event of two or more Candidates at any one Election having the same number of votes, no Sheriff or Returning Officer shall make return as duly elected, of any one such Candidate having an equal number of votes, to the exclusion of the other Candidate or Candidates, but shall in every such case return the whole of the Candidates having an equal number of votes, with the proceedings thereon, as herein-before directed: Provided always, that nothing herein contained shall prevent, or be construed to prevent, the Sheriff or Returning Officer from proceeding on a scrutiny, as herein-before provided.'

*Folio 40, line 17*—Strike out from the word 'any' to the word 'Candidate,' both inclusive, and insert 'the Members of His Majesty's Legislative Council shall not be entitled to vote at the Election of any Member or Members to serve in the General Assembly of this Island.'

Ordered, that the said Amendments be engrossed.

Pursuant to the Order of the Day, the House resumed the consideration of the Bill intituled "An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in Cases of Replevin"—and amended the same as follows, viz:—

*Folio 2, line 6*—Strike out the word 'Bond,' and insert 'Warrant of Attorney.'

*Same folio, line 14*—Strike out the word 'Bond,' and insert 'Warrant of Attorney.'

*Same folio, line 15*—Strike out the word 'Condition,' and insert the word 'Defeazance.'

*Same folio, At the end of the page*, insert, 'and the Goods and Chattels so distrained shall be forthwith returned to the Owner or Owners thereof.'

'And be it further enacted, that if the Goods and Chattels so distrained, and delivered back to the Owner or Owners as aforesaid, shall not be forthcoming on the day appointed for the sale thereof, agreeably to the Defeazance of the said Warrant of Attorney, in case the same shall not have been replevied, it shall and may be lawful for the Lessor or Landlord to enter up Judgment on the said Warrant of Attorney, and sue out execution thereon, to the amount of the value of the said distress; or if the said distress should exceed the value of the rent due, then to the amount of such rent due, together with the Costs of such distress and Warrant of Attorney, and of entering up of such Judgment thereon.'

'And be it further enacted, that if the owner or owners shall neglect or refuse to enter into such Warrant of Attorney as aforesaid, within the said two days, and if the Tenant or Owner of the Goods and Chattels so distrained, shall not, within five days after such distress taken, replevy the same, it shall and may be lawful for the Lessor or Landlord to sell the Goods and Chattels so distrained, in the way and manner in which Goods and Chattels distrained for Rent have hitherto been sold within this Island.'

Ordered, that the said Amendments be engrossed.

On motion, the said Bill was read a third time, with the Amendments.

Ordered, that the said Bill, with the Amendments, be sent down to the House of Assembly, for their concurrence.

The Committee appointed to confer with the Committee of the House of Assembly, on the Amendments made to the Bill intituled "An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies," having gone to the Conference, and returned, the Honourable *T. H. Haviland* reported the substance thereof.

Adjourned until 11 o'clock to-morrow.

## WEDNESDAY, March 18th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*  
*The Attorney General,*  
*J. Spencer Smith.*

### PRAYERS.

**T**HERE not being a Quorum—

Adjourned until 11 o'clock to-morrow.

## THURSDAY, March 19th, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*J. Spencer Smith.*

### PRAYERS.

**R**EAD a third time, and passed, the Bill intituled "An Act to consolidate and amend the Election Laws," with the Amendments.

Ordered, that the said Bill as amended, be sent down to the House of Assembly for their concurrence.

A Message from the House of Assembly, by Mr. *Green*, with the following Bill, to which they desire the concurrence of the Legislative Council, viz:—

A Bill intituled "An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation."

Also, with the following written Message:

*“Mr. President,*

*“The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference to manage this further Conference.*

*On motion, ordered, that a further Conference be agreed to, as desired by the House of Assembly, and that the same Committee who managed the last Conference do manage this further Conference, to meet in the Committee Room instant.*

*Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.*

*Thereupon the Committee went to the Conference—and having returned, reported, that the House of Assembly do not insist upon the Second, Third, Fourth and Fifth of the Amendments made to the Bill intituled “An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies,” but that they adhere to the Eighth and Ninth of the Amendments.*

*On motion, the House went into the further consideration of the said Amendments.*

*On motion, ordered, that the said Amendments be not agreed to.*

*On motion of the Attorney General—Resolved, that the non-attendance of Members tends materially to the delay of public business.*

*The Attorney General also submitted the following Resolution, viz:—*

*Resolved, That if any Member absent himself without leave, the President do issue his Warrant to the Gentleman Usher of the Black Rod, to take such absent Member into custody, and that no such Member be discharged until a sufficient excuse be made, and the expence incurred in consequence thereof, be first paid.*

*On motion that the said Resolution be adopted—the House divided:*

#### CONTENTS.

*The Chief Justice,  
T. H. Haviland,  
The Attorney General.*

#### NON-CONTENTS.

*George Wright,  
Charles Worrell,  
J. Spencer Smith.*

*And it passed in the negative.*

*Read a first time, the Bill intituled “An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.”*

*On motion, ordered, that the consideration of the Bill intituled “An Act to authorize the closing of a certain Road within the Royalty of Princetown, be deferred until next Session, as no information, by petition, or otherwise, hath been afforded to this House, to satisfy it of the propriety of shutting up the Road in question.*

*Ordered, that thirty copies of the said Bill be printed, and that it be inserted six times in the Royal Gazette, Newspaper, published in Charlotte Town.*

*On motion, the Bill intituled “An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island, was read a second time.*

On motion, the House went into the consideration of the said Bill, and amended it as follows, viz:—

*Folio 10*—Strike out line 7.

*Same folio, line 19*—Strike out from the word 'and,' to the word 'Health,' both inclusive.

*Folio 11, line 20*—Strike out from the word 'Lieutenant,' to the word 'said,' both inclusive.

*Same folio, last line*, after the word 'Board,' insert the words 'of Health.'

Adjourned until 11 o'clock to-morrow.

## FRIDAY, March 20th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

PRAYERS.

The Honourables	{	<i>George Wright,</i> <i>T. H. Haviland,</i> <i>Charles Worrell,</i> <i>John Brecken,</i> <i>J. Spencer Smith.</i>
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PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time and passed, the Bill intituled "An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island," with the Amendments.

Ordered, that the said Bill, with the Amendments, be sent down to the House of Assembly for their concurrence.

On motion, the Bill intituled "An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby, to contribute towards their formation," was read a second time.

On motion, ordered, that the Bill intituled "An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony," be the Order of the Day for Monday next.

Three Messages were received from the House of Assembly, by Mr. Pope.

"In the HOUSE of ASSEMBLY,

"Friday, March 25th, 1835.

"*Resolved*, That a Message be sent to the Legislative Council, praying their Honours will permit the Honourable *George Wright*, one of their Members, to attend the Special Committee of the House of Assembly, appointed on the Petition of divers Proprietors and Occupiers of Pasture Lots, within the Royalty of Charlotte Town, relative to the lines of certain Roads running through the said Royalty; to be examined touching the matter to them referred, this day at Three o'clock.

"WILLIAM CULLEN, Clerk."

Also,

“ *Mr. President,*

“ The House of Assembly desire a Conference with the Legislative Council, on the Amendments made by the Council to the Bill intituled ‘ An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin ’—and have appointed Mr. *Binns*, Mr. *Pope*, Mr. *Green* and Mr. *Palmer* a Committee to manage the same.

“ *Mr. President,*

“ The House of Assembly desire a Conference with the Legislative Council on the general State of the Colony, and have appointed Mr. *Pope*, Mr. *Brenan*, Mr. *Palmer*, Mr. *Nelson*, Mr. *Douse* and Mr. *James* a Committee to manage the same.

“ WILLIAM CULLEN, C'erk.

“ House of Assembly, March 20th, 1835.”

Ordered, that the Honourable *George Wright* do have leave to attend, as requested by the House of Assembly.

Ordered, that a Message be sent down to the House of Assembly acquainting them therewith.

On motion, ordered, that a Conference be agreed to, as desired by the House of Assembly, on the general State of the Colony.

Ordered, that the Honourables *T. H. Haviland*, *George Wright* and *John Brecken*, be a Committee to manage the same, to meet in the Committee Room to-morrow, at Twelve o'clock.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, ordered, that this House do agree to a Conference as desired by the House of Assembly; on the Amendments made to the Bill intituled “ An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in Cases of Replevin.”

Ordered, that the Honourables *T. H. Haviland* and the *Attorney General*, be a Committee to manage the same, to meet in the Committee Room instant.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

On motion, the Bill intituled “ An Act relating to Marriages,” was read a second time.

On motion, the House went into the consideration of the said Bill.

The Honourable *T. H. Haviland* moved the following amendment:

*Folio 5, line 4*—After the word “ calling ” insert the words “ and having the spiritual charge  
“ of a Congregation.”

The question being put on the Amendment, the House divided:

#### CONTENTS.

*The Chief Justice,  
T. H. Haviland,  
George Wright,  
J. Spencer Smith.*

#### NON-CONTENTS.

*Charles Worrell,  
The Attorney General,  
John Brecken.*

And it passed in the affirmative.

The following Amendment was also moved:

*Folio 5, line 16*—After the word “any” insert the word “such.”

The question being put on this Amendment, the House divided:

CONTENTS.

*The Chief Justice,  
T. H. Haviland,  
George Wright,  
J. Spencer Smith.*

NON-CONTENTS.

*Charles Worrell,  
The Attorney General,  
John Brecken.*

And it passed in the affirmative.

The House then agreed to the following Amendments:

*Folio 8, line 6*—Strike out the words ‘at least two,’ and insert the word ‘three.’

*Folio 9*—After line 3, insert ‘And be it further enacted, that an Act made and passed  
‘in the Second year of the Reign of His present Majesty King William the  
‘Fourth, intituled ‘An Act to confirm and render valid certain Marriages  
‘heretofore solemnized within this Island, and also to declare by whom and in  
‘what manner Marriages shall be celebrated in future, and to provide for the  
‘Public Registry of the same,’ be and the same is hereby repealed.’

*Folio 1*—After the word ‘Marriages,’ in the Title, insert ‘and to repeal a certain Act  
‘therein mentioned.’

On motion, that the said Bill, with the Amendments, be read a third time, and pass:

It was moved, as an amendment, that the two former Amendments be struck out:

The question being put on this amendment, the House divided:

CONTENTS.

*Charles Worrell,  
The Attorney General,  
John Brecken.*

NON-CONTENTS.

*The Chief Justice,  
T. H. Haviland,  
George Wright,  
J. Spencer Smith.*

And it passed in the negative.

The question on the original motion being put, it passed in the affirmative. Ordered, that the said Amendments be engrossed.

Ordered, that the said Bill, with the Amendments, be sent down to the House of Assembly, for their concurrence.

On motion of the Honourable *J. Spencer Smith*—Ordered, that John Lawson, Esq. Solicitor General, have leave to attend at the Bar of this House on Monday next, and that he be heard on behalf of Mr. David Stewart, against the Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony.”

On motion, that the Bill intituled “An Act for the encouragement of Temperance, by allowing the retail of Ale, Beer, Porter, and other Liquors, at a reduced rate of licence, and to amend the Act relating to Strong and Spirituous Liquors,” be read a second time this day three months, the House divided.

CONTENTS.

*The Chief Justice,  
T. H. Haviland,  
Charles Worrell,  
John Brecken.*

NON-CONTENTS.

*George Wright,  
The Attorney General.*

And it passed in the affirmative.

Adjourned until 11 o'clock to-morrow.



**SATURDAY, March 21st, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i> <i>T. H. Haviland,</i> <i>The Attorney General,</i> <i>John Brecken,</i> <i>J. Spencer Smith.</i>
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PRAYERS.

**R** **EAD** the proceedings of yesterday.

The Committee appointed to confer with the Committee of the House of Assembly on the general State of the Colony, having gone to the Conference, and returned, reported, that the Committee of the House of Assembly had been instructed to request, that the Legislative Council would join the House of Assembly in an Address to His Majesty, on the subject of the several Acts passed by the Legislature of this Island, and to which the Royal Assent has not yet been signified.

Ordered, that this House do agree to join in the said Address, as requested by the House of Assembly.

Ordered, that a Message be sent down to the House of Assembly, desiring a further Conference on the general State of the Colony, and that the same Committee who managed the former Conference do manage this further Conference, to meet in the Committee-Room on Monday next, at Two o'clock.

A Message from the House of Assembly, by Mr. *Brenan*.

"*Mr. President,*

"The House of Assembly desire a Conference with the Legislative Council, on the Amendments made to the Bill intituled "An Act to consolidate and amend the Election Laws"—and have appointed Mr. *Brenan*, Mr. *Thornton*, Mr. *Pope* and Mr. *M'Nutt* a Committee to manage the same.

On motion, ordered, that this House do agree to a Conference, as desired by the House of Assembly, and that the Honourables *T. H. Haviland* and *John Brecken* be a Committee to manage the same, to meet in the Committee Room instant.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference—and having returned, reported, that the House of Assembly do agree to the several Amendments made by the Council to the said Bill, except the last, to which they disagree.

On motion, ordered, that a further Conference be desired with the House of Assembly, on the subject matter of the last Conference.

Ordered, that the same Committee who managed the last Conference do manage this further Conference, to meet in the Committee-Room instant; and that the Committee be instructed to inform the Committee of the House of Assembly, that the Section to which the Council had proposed an amendment, and to which the House had disagreed, would, in the opinion of the Council, if allowed to remain, not only tend materially to the encouragement of contested Elections, but also produce great uncertainty and difficulty in determining them—the terms "influencing, or causing to be influenced," being much too

vague and uncertain to form a positive enactment. The various modes and degrees of influence, tacit or expressed, direct or indirect, take so extensive a range, and are so difficult of definition, that it would be next to impossible to form any standard by which to fix that precise point, where "influence" should, or should not, be considered to have been exercised as affecting Elections.

A Message from the House of Assembly, by Mr. *Brenan*:

"Mr. President,

"The House of Assembly do agree to a further Conference, as desired by the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference to manage this further Conference."

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

On motion of the Honourable *John Brecken*, it was ordered, that *Charles Binns*, Esq. be heard at the Bar of this House on Monday next, in support of the Bill intituled "An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony."

On motion, the House went into the consideration of the Bill intituled "An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation," and agreed to the same.

On motion, the said Bill was read a third time and passed.

Ordered, that the said Bill be sent down to the House of Assembly.

Adjourned until 11 o'clock on Monday next.

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**MONDAY, March 23d, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i>
		<i>Ambrose Lane,</i>
		<i>T. H. Haviland,</i>
		<i>Charles Worrell,</i>
		<i>The Attorney General,</i>
		<i>John Brecken,</i>
		<i>J. Spencer Smith.</i>

PRAYERS.

**R**EAD the proceedings of Saturday.

The Order of the Day having been read—

On motion, ordered, that Counsel be now heard in support of the Bill intituled "An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony."

The Honourable *John Brecken* informed the House, that Counsel on behalf of the Loyalists declines coming forward.

On motion, ordered, that the Solicitor General, as Counsel for Mr. David Stewart, be now heard against the Bill.

The Solicitor General was accordingly heard at the Bar.

A Message from the House of Assembly, by Mr. *Brenan*.

“*Mr. President*,

“The House of Assembly do agree to a further Conference with the Legislative Council, on the general State of the Colony—and have appointed the same Committee who managed the former Conference to manage this further Conference, at the time and place appointed by the Legislative Council.”

On motion, ordered, that the Order of the Day for the further consideration of the Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony,” be postponed until Saturday next.

The Committee appointed on the further Conference with the House of Assembly on the general State of the Colony, having gone to the Conference, and returned, reported the substance thereof.

On motion, ordered, that the Honourable *George Wright*, *T. H. Haviland*, and *John Brecken*, be a Committee to join a Committee of the House of Assembly, in preparing an Address to His Majesty, on the subject of the several Acts passed by the Legislature of this Island, and reserved for the signification of His Majesty’s pleasure—to meet and adjourn as they shall see fit.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until 12 o’clock to-morrow.

## TUESDAY, March 24th, 1835.

The Council met, pursuant to adjournment.

### PRESENT.

The Honourable *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i> <i>Ambrose Lane,</i> <i>T. H. Haviland,</i> <i>The Attorney General,</i> <i>John Brecken,</i> <i>J. Spencer Smith.</i>
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### PRAYERS.

**R**EAD the proceedings of yesterday.

Two Messages from the House of Assembly, by Mr. *Brenan*:

“*Mr. President*,

“The House of Assembly desire a Conference with the Legislative Council on the Amendments made by the Council to the Bill intituled ‘An Act relating to Marriages,’ and have appointed Mr. *Brenan*, Mr. *M. Callum*, Mr. *Macdonald* and Mr. *Green* a Committee to manage the same.”

*“Mr. President,*

*“The House of Assembly have appointed Mr. Binns, Mr. Brennan, Mr. Palmer, Mr. Macdonald, Mr. Green and Mr. Ramsay a Committee to join the Committee of the Legislative Council, in preparing a joint Address to His Majesty, on the subject of the several Acts passed by the Legislature of this Colony, and reserved for the signification of His Majesty’s Pleasure—to meet and adjourn as they shall see fit.”*

On motion, ordered, that this House do agree to a Conference, as desired by the House of Assembly, on the Amendments made to the Bill intituled “An Act relating to Marriages.”

Ordered, that the Honourables *T. H. Haviland* and *J. Spencer Smith* be a Committee to manage the same, to meet in the Committee-Room instantly.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

On motion, ordered, that a further Conference be desired with the House of Assembly, on the subject matter of the last Conference, and that the same Committee who managed the last Conference do manage this further Conference, to meet in the Committee-Room to-morrow, at Two o’clock.

Adjourned until 12 o’clock to-morrow.

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**WEDNESDAY, March 25th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

|                 |   |                                                                                                                                                             |
|-----------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Honourables | { | <i>George Wright,</i><br><i>Ambrose Lane,</i><br><i>T. H. Haviland,</i><br><i>The Attorney General,</i><br><i>John Brecken,</i><br><i>J. Spencer Smith.</i> |
|-----------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------|

**R** **READ** the proceedings of yesterday.

Two Messages from the House of Assembly, by Mr. Douse:

*“Mr. President,*

*“The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the Amendments made to the Bill intituled ‘An Act relating to Marriages,’ and have appointed the same Committee who managed the former Conference to manage this further Conference.*

*“Mr. President,*

*“The House of Assembly desire a Conference with the Legislative Council, on the Amendments made by the Council to the Bill intituled ‘An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island,’ and have appointed Mr. Douse, Mr. Binns, Mr. Brennan and Mr. M’Callum a Committee to manage the same.”*

On motion, ordered, that this House do agree to a Conference, as desired by the House of Assembly, and that the Honourables *Ambrose Lane* and *John Brecken* be a Committee to manage the same, to meet in the Committee Room instantler.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference—and having returned, reported, that the House of Assembly had disagreed to the First and Second of the Amendments, but that they agree to the Third and Fourth of the Amendments.

The Committee appointed to confer with the Committee of the House of Assembly, on the Amendments made to the Bill intituled “An Act relating to Marriages,” having gone to the Conference, and returned, reported the substance thereof.

On motion, ordered, that a further Conference be desired with the House of Assembly, on the Amendments made to the Bill intituled “An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island,” and that the same Committee who managed the former Conference do manage this further Conference, to meet in the Committee-Room to-morrow, at half-past One o’clock.

On motion, ordered, that this House do adhere to the said First and Second Amendments, and that the Committee be instructed to inform the Committee of the House of Assembly, that the Council adhere to the First and Second Amendments, as they conceive it would be a novel practice, and wholly inconsistent with the usage of the Executive Government, that the Board of Health should be required to join with the Governor and Council in issuing a Proclamation. But the Council would have no objection to agree to an amendment to their amendment, to the effect, that the power given by the Bill to the Governor, with the consent of the Council, and the Board of Health, should be vested in the Board of Health alone, either with or without the approval of the Governor and Council.

**Adjourned until 12 o’clock to-morrow.**

**THURSDAY, March 26th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Pope*, with a Bill intituled "An Act to explain and amend the Act relating to Trespasses," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

A Message from the House of Assembly, by Mr. *Douse*.

"*Mr. President,*

"The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the subject of the Amendments made to the Bill intituled 'An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island,' and have appointed the same Committee who managed the former Conference, a Committee to manage this further Conference."

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

Adjourned until 12 o'clock to-morrow.

**FRIDAY, March 27th, 1835.**

The Council met, pursuant to adjournment.

PRESENT.

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Brenan*

"In the HOUSE of ASSEMBLY,

"Friday, March 27th, 1835.

"Resolved, That a Committee of three Members be appointed to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

“ Ordered, that *Mr. Brennan*, *Mr. Binns* and *Mr. Pope* do compose the said Committee.

“ Ordered that the said Resolution be communicated by Message to the Legislative Council.

“ By the House,

“ *WILLIAM CULLEN*, Clerk.”

On motion, ordered, that a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

Ordered, that the Honourables *T. H. Haviland* and *John Brecken* do compose the said Committee.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, ordered, that a further Conference be desired with the House of Assembly, on the Amendments made to the Bill intituled “An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin”—and that the same Committee who managed the former Conference do manage this further Conference, to meet in the Committee-Room instant.

A Message from the House of Assembly, by *Mr. Macdonald*:

“ *Mr. President*,

“ The House of Assembly do agree to a further Conference, as desired by the Council, on the subject of the Amendments made to the Bill intituled ‘An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in Cases of Replevin,’ and have appointed the same Committee who managed the former Conference, to manage this further Conference.”

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

On motion, the Bill intituled “An Act to explain and amend the Act relating to Trespasses,” was read a second time.

Adjourned until 12 o'clock to-morrow.

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### SATURDAY, March 28th, 1835.

The Council met, pursuant to adjournment.

#### PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane*,  
*T. H. Haviland*,  
*Charles Worrell*,  
*The Attorney General*,  
*John Brecken*,  
*J. Spencer Smith*.

#### PRAYERS.

**R**EAD the proceedings of yesterday.

The Honourable the *Attorney General* moved for leave to present a Petition from the Pew-owners in the Building heretofore used as an Episcopal

Church in Charlotte Town, praying that a Law may be passed authorizing a sale of the said Building, and that the site thereof may be vested in His Majesty.

Leave being granted, the said Petition was received and read.

Ordered, that the said Petition do lie on the Table.

On motion, ordered, that the Order of the Day for the further consideration of the Bill intituled "An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony," be further postponed until Tuesday next.

Ordered, that there be a Call of the House on Tuesday next.

On motion, the House went into the consideration of the Bill intituled "An Act to explain and amend the Act relating to Trespasses," and amended the same as follows, viz:—

Strike out from the word 'Whereas,' in the first Folio, to the word 'future,' in the last line of the 4th Folio, both inclusive, and insert, 'Whereas it is deemed necessary to define the powers and authority of Justices of the Peace, under the Third section of the Act of the Third year of the Reign of His present Majesty, intituled 'An Act to consolidate, amend and reduce into one Act, the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned.'

*Folio 5, line 8*—After the word 'Peace,' insert the words 'under the said Third section of the said Act.'

*Same Folio, line 13*—After the word 'all,' insert the word 'such.'

*Folio 6, line 4*—After the word 'appeal,' insert the words 'doubts having arisen whether.'

*Same Folio, line 5*—Strike out the words 'has refused.'

*Same Folio, line 6*—Strike out the word 'two,' and insert the word 'can.'

After the word 'Act' in the first line, on the last Folio, insert 'or judgment or decision of the Supreme Court, on any appeal from any judgment of any Justice or Justices of the Peace under this Act, or the said recited Act.'

Ordered, that the said Amendments be engrossed.

A Message from the House of Assembly, by Mr. *Macdonald*, with a Bill intituled "An Act to amend the Act relative to Insolvent Debtors," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

A Message from the House of Assembly, by Mr. *Macdonald*, with a Bill intituled "An Act for the management and regulation of the Post Office in Prince Edward Island."

Read the said Bill a first time.

Adjourned until 12 o'clock on Monday next.



**MONDAY, March 30th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

|                 |   |                              |
|-----------------|---|------------------------------|
| The Honourables | { | <i>George Wright,</i>        |
|                 |   | <i>Ambrose Lane,</i>         |
|                 |   | <i>T. H. Haviland,</i>       |
|                 |   | <i>Charles Worrell,</i>      |
|                 |   | <i>The Attorney General,</i> |
|                 |   | <i>John Brecken,</i>         |
|                 |   | <i>J. Spencer Smith.</i>     |

PRAYERS.

**R**EAD the proceedings of Saturday.

Read a third time, and passed, the Bill intituled "An Act to explain and amend the Act relating to Trespasses," with the Amendments.

Ordered, that the said Bill as amended, be sent down to the House of Assembly for their concurrence.

On motion, the Bill intituled "An Act for the management and regulation of the Post Office in Prince Edward Island," was read a second time.

On motion, ordered, that a Conference be desired with the House of Assembly on the said Bill, and that the Honourables *Charles Worrell* and *J. Spencer Smith* be a Committee to manage the same, to meet in the Committee Room instant.

A Message from the House of Assembly, by Mr. *Pope*:

"Mr. President,

"The House of Assembly desire a Free Conference with the Legislative Council on the subject of the Amendments made to the Bill intituled "An Act relating to Marriages," and have appointed Mr. *Palmer*, Mr. *Binns*, Mr. *Pope*, Mr. *Ramsay* and Mr. *James* a Committee to manage the same.

"Mr. President,

"The House of Assembly do agree to a present Conference, as is desired by the Council, on the subject of the Bill intituled "An Act for the management and regulation of the Post Office in Prince Edward Island," and have appointed Mr. *Pope*, Mr. *Thornton*, Mr. *Binns* and Mr. *Palmer* a Committee to manage the same."

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

On motion, ordered, that a Free Conference be agreed to, as desired by the House of Assembly, on the subject of the Amendments made to the Bill intituled "An Act relating to Marriages," and that the Honourables *T. H. Haviland*, the *Attorney General* and *J. Spencer Smith*, be a Committee to manage the same, to meet in the Committee Room to-morrow at Two o'clock.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

The Honourable *John Brecken* moved for leave to present a Petition from the Trustees of the Wesleyan Chapels in Charlotte Town; setting forth—That the Petitioners are made responsible for certain Debts contracted for

improvements on the premises, without having sufficient security thereon; that the Chapel lately built in Prince Street will place them in circumstances still more unfavourable, unless impowered to dispose of the old Chapel and premises—and praying that a Law may be passed as will secure the aforesaid Chapels and premises, and grant them such powers as will enable them to exercise their trust in any way that may be required to promote the interest and secure the just rights of all concerned.

Leave being granted, the said Petition was received and read.

Ordered, that the said Petition do lie on the Table.

Adjourned until 12 o'clock to-morrow.

## TUESDAY, March 31st, 1835.

The Council met, pursuant to adjournment.

### PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables

{ *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

According to Order, the Names were called over—the Honourable *Fade Goff* absent from indisposition.

The Order of the Day having been read—

On motion, the Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony,” was read a second time.

On motion, the House went into the consideration of the said Bill.

On motion, ordered, that this House do go into the further consideration of the said Bill to-morrow.

The Committee appointed to meet the Committee of the House of Assembly on the subject of the Amendments made to the Bill intituled “An Act relating to Marriages,” having gone to the Conference, and returned, reported the substance thereof.

A Message from the House of Assembly, by Mr. *Pope*, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:—

A Bill intituled “An Act concerning the Property of the Methodist Society at Charlotte Town.

A Bill intituled “An Act to amend the Act for the Summary Trial of Common Assaults and Batteries.”

Also, a Bill intituled “An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment.

Read the said Bills a first time.

Adjourned until 12 o'clock to-morrow.

**WEDNESDAY, April 1st, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, the House went into the further consideration of the Bill intituled "An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony.

Ordered that this House do go into the further consideration of the said Bill to-morrow.

On motion, ordered, that a further free Conference be desired with the House of Assembly, on the subject matter of the last Free Conference, and that the same Committee who managed the former Free Conference do manage this, to meet in the Committee-Room instanter.

On motion, the Bill intituled "An Act to amend the Act for the Trial of Common Assaults and Batteries," was read a second time.

On motion, the Bill intituled "An Act concerning the property of the Methodist Society at Charlotte Town," was read a second time.

A Message from the House of Assembly, by Mr. *M'Callum*, with a Bill intituled "An Act to authorize the Sale of Land in this Island, reserved as sites for Churches, and for Glebe and School Lands," to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:

"*Mr. President,*

"The House of Assembly do agree to a further free Conference as is desired by the Legislative Council, on the subject matter of the last free Conference, and have appointed the same Committee who managed the last free Conference to manage this."

Thereupon the Committee went to the free Conference—and having returned, reported as follows, viz:—

That a misunderstanding having arisen between the Managers of a former Conference on the subject of an amendment made by the House of Assembly to amendments made by this House to the above Bill, and the same having been mutually explained, it was agreed on the part of the Managers of the present Conference, that the following Clause be substituted for the said amendment of the Assembly, reported as agreed to at the said former Conference, viz:—

And whereas, according to the Spiritual Rites of the Roman Catholic Church, Marriage is held to be a Sacrament—Be it therefore enacted, that nothing in this Act, or any other Act contained, shall be construed to prevent any Clergyman of the Roman Catholic Church from solemnizing marriages between persons professing the Roman Catholic Religion, according to the Rites and Usages of that Church, which are at present recognized and enjoyed within this Colony, or in Great Britain.

On motion that the said Amendment be agreed to, the House divided:

**CONTENTS.**

*The Chief Justice,  
George Wright,  
T. H. Haviland,  
Charles Worrell,  
The Attorney General,  
John Brecken.*

**NON-CONTENTS.**

*Ambrose Lane,  
J. Spencer Smith.*

And it passed in the affirmative.

On motion, that this House do adjourn—the question being put, the House divided, and it passed in the affirmative.

The House then adjourned until 12 o'clock to-morrow.

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**THURSDAY, April 2d, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honourable *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i>
		<i>Ambrose Lane,</i>
		<i>T. H. Haviland,</i>
		<i>Charles Worrell,</i>
		<i>The Attorney General,</i>
		<i>John Brecken,</i>
		<i>J. Spencer Smith.</i>

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Read a first time, the Bill intituled “An Act to authorize the sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands.”

On motion, the Bill intituled “An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment,” was read a second time.

Read a third time, and passed, the Bill intituled “An Act concerning the Property of the Methodist Society at Charlotte Town.”

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

A Message from the House of Assembly, by Mr. Pope:

“*Mr. President,*

“The House of Assembly have passed the Bill intituled ‘An Act relating to Marriages,’ with the Amendment, as agreed to in Conference.”

And also, with the following written Message:

“*Mr. President,*

“The House of Assembly desire a further Conference with the Legislative Council on the Bill intituled ‘An Act for the management and regulation of

the Post Office in Prince Edward Island,' and have appointed the same Committee who managed the former Conference to manage this further Conference."

On motion, ordered, that this House do agree to a further Conference, as desired by the House of Assembly, and that the same Committee who managed the former Conference do manage this further Conference, to meet in the Committee Room instanter.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference—and having returned, reported, that the Committee of the House of Assembly had informed them, that the House of Assembly feel compelled to adhere to the provisions of the Bill for the management and regulation of the Post Office within this Island, as sent to the Council, the House of Assembly having already, in the Bill to provide for the punishment of Offences against the person and property, adopted the principle objected to by the Council in the present Bill, and therefore cannot agree to the suggestions of the Council, as communicated in Conference.

Whereupon Resolved, That as the Bill intituled "An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies," which was sent down to the House of Assembly from this House, was amended by their substituting a term of imprisonment not exceeding Seven Years for the penalty of Death, in cases of Highway Robbery, which amendment was disagreed to by this House—this House cannot therefore agree to the Bill intituled "An Act for the management and regulation of the Post Office in Prince Edward Island," in which a punishment is introduced by the House of Assembly for the like offence, similar to that previously objected to by this House.

On motion, ordered, that the said Bill be read a third time this day three months.

On motion, the House went into the consideration of the Bill intituled "An Act to amend the Act for the Trial of Common Assaults and Batteries, and amended the same as follow, viz:

*Folio 2, line 7*—After the word 'Prosecutor,' insert the words 'and shall be deemed by the Justices necessary and material.'

*Same folio, line 11*—Strike out the words 'and which expences,' and insert the words, 'which certified statement shall be delivered to the Clerk of His Majesty's Council; and the amount so certified, after being approved of by the Lieutenant Governor, or other Administrator of the Government for the time being, in Council.'

*Same folio, line 15*—Strike out the word 'or,' to the word 'aforesaid,' inclusive.

Ordered, that the said Amendments be engrossed.

Read a third time, and passed, the Bill intituled "An Act for the more effectual punishment of Offences, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Read a third time, and passed, the Bill intituled "An Act to amend the Act for the Trial of Common Assaults and Batteries," with the Amendments.

Ordered, that the said Bill, with the Amendments, be sent down to the House of Assembly, for their concurrence.

On motion, ordered, that the further consideration of the Bill intituled "An Act for the relief of the American Loyal Emigrants and Disbanded Troops in this Colony," be postponed until to-morrow.

FRIDAY, April 3d, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President:

The Honourables	{	<i>George Wright,</i> <i>Ambrose Lane,</i> <i>T. H. Haviland,</i> <i>Charles Worrell,</i> <i>The Attorney General,</i> <i>John Brecken.</i>
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PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by *Mr. Palmer*, with the following Bill, agreed to, as amended by the Council, viz.—

A Bill intituled “An Act to explain and amend the Act relating to Trespasses.”

Also, with the following Bill, to which they desire the concurrence of the Legislative Council, viz:—

A Bill intituled “An Act to repeal part of an Act therein mentioned, and to authorize and regulate the appointment of a Sheriff for each of the Counties of this Island.”

Read the said Bill a first time.

Pursuant to the Order of the Day, the House resumed the consideration of the Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony.”

Whereupon, the Honourable *T. H. Haviland* submitted the following Resolution, viz:—

*Resolved*, That it appears to this House that the provisions of an Act of the Thirtieth year of the Reign of His late Majesty King George the Third, intituled “An Act to empower the Lieutenant Governor to give Grants of Lands, under the Great Seal of this Island, to such Loyalists and Disbanded Troops as are in the occupation thereof, by virtue of locations formerly made by the Governor and Council,” are amply sufficient to entitle that deserving class of persons termed “American Loyalists,” who were previously ordered to be located by the Governor and Council, (and are now in the actual possession of Lands within this Island, resigned for this purpose, by certain Proprietors of Townships within the same, in the year 1783,) to Grants or Conveyances of the same, and as it is to be presumed, that the rights or claims of those American Loyalists, who had applied for and obtained orders for locations of Land, but who had not settled upon the same, had then undergone full consideration; and as it further appears by reference to the Records of the Executive Council, that nearly fifty years have elapsed since any application has been made by any of the said class of persons for locations on such Lands so resigned as aforesaid, and as several of the Townships on which Lands were so resigned, have, during that period, become the property of persons (not parties to the said resignation,) for valuable consideration, and portions of other Townships have been subdivided, leased and sold in small tracts, to persons also not cognizant thereof, it is the opinion of this House, that in justice to existing interests, it would not be warranted in passing the Bill intituled “An Act for the Relief of the American Loyal Emigrants and

Disbanded Troops in this Colony, and more particularly as a Bill, similar in many respects to the Bill now before this House, passed the Legislature of this Colony in the year 1810, upwards of twenty years ago, with a suspending clause, reserving the same for His Majesty's assent, which appears never to have been signified, and consequently must now be considered to have been intentionally withheld.

On motion, that the said Resolution be agreed to, the House divided:

CONTENTS.

*The Chief Justice,  
George Wright,  
Ambrose Lane,  
T. H. Haviland,  
Charles Worrell,  
The Attorney General,  
J. Spencer Smith.*

NON-CONTENT.

*John Brecken.*

And it passed in the affirmative.

On motion, that the further consideration of the said Bill be postponed until this day Three months—the House divided:

CONTENTS.

*The Chief Justice,  
George Wright,  
Ambrose Lane,  
T. H. Haviland,  
Charles Worrell,  
The Attorney General,  
J. Spencer Smith.*

NON-CONTENT.

*John Brecken.*

And it passed in the affirmative.

On motion, that the Bill intituled "An Act to amend the Act relative to Insolvent Debtors," be read a second time:

It was moved, as an amendment, that the House do come to the following Resolution, viz:—

*Resolved*, That the advanced period of the Session precludes this House from giving that full consideration to the Bill intituled "An Act to amend the Act relative to Insolvent Debtors," as the importance of the measures contemplated thereby, entitles it; to but this House will, at an early period of the next Session, give their attention to the subject matter of the said Bill.

The question being put on the amendment, it passed in the affirmative.

On motion, the Bill intituled "An Act to authorize the Sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands," was read a second time.

On motion, the House went into the consideration of the said Bill.

On motion, ordered, that a Conference be desired with the House of Assembly on the said Bill, and that the Honourables *T. H. Haviland* and the *Attorney General* be a Committee to manage the same, to meet in the Committee Room to-morrow at One o'clock.

Adjourned until 12 o'clock to-morrow.

**SATURDAY, April 4th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Binns*, with a Bill intituled "An Act to amend the Act for establishing the times and places for holding the Supreme Court in King's and Prince Counties," to which they desire the concurrence of the Legislative Council."

Also, with the following written Message, viz:—

"*Mr. President,*

"The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled 'An Act to authorize the Sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands,' and have appointed Mr. *Pope*, Mr. *Ramsay*, Mr. *Binns* and Mr. *Thornton* a Committee to manage the same."

On motion, Ordered, that it be an instruction to the Committee of Conference of this House on the Bill intituled "An Act to authorize the Sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands," to suggest to the Committee of the House of Assembly, the propriety of striking out the Third Section of the said Bill, granting Compensation to persons for their improvements, who may have located themselves on the said Lands without licence, or other authority.

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

Read a first time, the Bill intituled "An Act to amend the Act for establishing the times and places for holding the Supreme Court in King's and Prince Counties."

A Message from the House of Assembly, by Mr. *Pope*:

"*Mr. President,*

"The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference to manage this further Conference."

On motion, Ordered, that a further Conference be agreed to, as desired by the House of Assembly; and that the same Committee who managed the last Conference do manage this further Conference, to meet in the Committee Room instantler.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

Ordered, that there be a Call of the House on Monday next.

Adjourned until 12 o'clock on Monday next.



**MONDAY, April 6th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i> <i>Ambrose Lane,</i> <i>T. H. Haviland,</i> <i>The Attorney General,</i> <i>John Brecken,</i> <i>J. Spencer Smith.</i>
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PRAYERS.

**R**EAD the proceedings of Saturday.

According to Order, the Names were called over.

The Honourable *Charles Worrell*, absent without leave.

The Honourable *Fade Goff*, absent from indisposition.

On motion, the Bill intituled "An Act to authorize the Sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands," was read a third time.

On motion, that the said Bill do pass, the House divided:

CONTENTS.

*The Chief Justice,*  
*George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken.*

NON-CONTENTS.

*J. Spencer Smith.*

And it passed in the affirmative.

Ordered, that the said Bill be sent down to the House of Assembly.

On motion, that the Bill intituled "An Act to repeal part of an Act therein mentioned, and to authorize and regulate the appointment of a Sheriff for each of the Counties in this Island," be read a second time:

It was moved, as an amendment, that the said Bill be read a second time this day Three months—the question being put, the House divided:

CONTENTS.

*The Chief Justice,*  
*George Wright,*  
*T. H. Haviland,*  
*The Attorney General,*  
*J. Spencer Smith.*

NON-CONTENTS.

*Ambrose Lane,*  
*John Brecken.*

And it passed in the affirmative.

Adjourned until 12 o'clock to-morrow.

**TUESDAY, April 7th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i> <i>Ambrose Lane,</i> <i>T. H. Haviland,</i> <i>Charles Worrell,</i> <i>The Attorney General,</i> <i>John Brecken,</i> <i>J. Spencer Smith.</i>
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PRAYERS.

**R**EAD the proceedings of yesterday.

The Honourable *Charles Worrell* stated to the House, that he had been compelled to leave Town on Saturday, before he was aware of the order for a Call of the House for yesterday; that he returned yesterday, and on his way to the House, about 2 o'clock, p. m., was informed that it had adjourned—and that he had not received any notice of the Call.

(On motion, that this House do now adjourn—

The question being put, the House divided:

CONTENTS.

*The Chief Justice,*  
*George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*John Brecken.*

NON-CONTENTS.

*Charles Worrell,*  
*The Attorney General,*  
*J. Spencer Smith.*

And it passed in the affirmative.

The then House adjourned until 12 o'clock to-morrow.

**WEDNESDAY, April 8th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i> <i>Ambrose Lane,</i> <i>T. H. Haviland,</i> <i>Charles Worrell,</i> <i>The Attorney General,</i> <i>John Brecken,</i> <i>J. Spencer Smith.</i>
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PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, Ordered, that a further Conference be desired with the House of Assembly, on the general state of the Colony, and that the Honourables *T. H. Haviland* and the *Attorney General* be a Committee to manage the same, to meet in the Committee Room instant.

On motion, Ordered, that the Committee be instructed to state to the Committee of the House of Assembly, that this Conference is desired by the Legislative Council, for the purpose of suggesting the propriety of bringing in a Bill to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand.

A Message from the House of Assembly, by *Mr. Pope*:

"*Mr. President*,

"The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the general state of the Colony, and have appointed *Mr. Pope*, *Mr. Binns*, *Mr. Cooper* and *Mr. Palmer* a Committee to manage same."

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

On motion, Ordered, that the Bill intituled "An Act to amend the Act for establishing the times and places for holding the Supreme Court in King's and Prince Counties," be read a second time this day Three months.

A Message from the House of Assembly, by *Mr. Pope*, with the Bill intituled "An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin," agreed to, as amended in Conference.

Also, a Bill intituled "An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island," agreed to, as amended in Conference.

Also, with a Bill intituled "An Act for levying Colonial Duties of Impost for the support of His Majesty's Government in this Island, and for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, Ordered, that there be a Call of the House to-morrow.

Adjourned until 12 o'clock to-morrow.

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**THURSDAY, April 9th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright*,  
                          *Ambrose Lane*,  
                          *T. H. Haviland*,  
                          *Charles Worrell*,  
                          *The Attorney General*,  
                          *John Brecken*,  
                          *J. Spencer Smith*.

PRAYERS.

**R**EAD the proceedings of yesterday.

According to Order, the Names were called over.

The Honourable *Fade Goff* absent from indisposition.

A Message from the House of Assembly, by Mr. Pope, with the Bill intituled "An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

The Committee appointed to join the Committee of the House of Assembly in preparing an Address to His Majesty, on the subject of the various Acts passed by the Legislature of this Island, in the years 1832, 1833 and 1834, reported the draft of an Address, as agreed to by the Committee of both Houses, which was read by the Clerk, and is as follows, viz:—

#### TO THE KING'S MOST EXCELLENT MAJESTY.

*Most Gracious Sovereign;*

We your Majesty's faithful Subjects, the Council and Assembly of Prince Edward Island, in Colonial Parliament assembled, with sentiments of loyalty and affection to your Majesty's Royal Person and Government, beg to address your Majesty on a subject which deeply affects the prosperity and welfare of this Colony.

Various Laws enacted by the Legislature of this Colony, in the years 1832, 1833 and 1834, and reserved for your Majesty's Royal allowance, were duly transmitted through your Majesty's Principal Secretary of State for the Colonies, for your Majesty's Royal pleasure thereon; and notwithstanding the repeated applications of our Colony Agent at the Colonial Office, we lament to state that no official information has yet been received regarding them. We humbly beg leave particularly to refer to the Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned; an Act, as we humbly conceive, of the utmost importance to the growing interests of this Colony, the uncertainty which at present exists, with respect to boundary lines, arising chiefly from the inaccuracies of the original Survey of the several Townships, causing much dispute and litigation, and preventing many industrious and deserving Settlers from making improvements, fearing that they may afterwards be deprived of them, by an alteration in the Boundaries of the Lands upon which they may have been located, as has heretofore not unfrequently occurred:—as also an Act passed in 1832, to confirm and render valid certain Marriages heretofore celebrated in this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the Public Registry of the same. The delay of the signification of your Majesty's pleasure upon a measure involving in so eminent a degree the present and future interests of the Colony, and the happiness of a large body of its Inhabitants, has induced the Legislature, in its present Session, to pass another Act of similar import, which repeals the former Act—and we humbly trust that this Act may be found free from any objection which might possibly have prevented a favourable decision being signified to the Act of 1832.

From the assurances made, and communicated in a Despatch received from the Right Honourable the Earl of Ripon, your Majesty's then Principal Secretary of State for the Colonies, bearing date the 4th day of July, 1832, in reply to a former Address of the Council and Assembly to your Majesty, complaining of the embarrassment caused by the delay of the signification of your Majesty's pleasure on certain Acts previously transmitted for your Majesty's consideration, we were led to hope, that the "most prompt attention would be given to the Legislative Acts of Prince Edward Island in future."

We therefore humbly pray, that your Majesty will be graciously pleased to give such directions, as may cause the said Acts, and in particular the Act relating to Boundaries, as also the Act passed in the present Session relating to Marriages, to be brought under your Royal consideration, in order that, if they should receive your Majesty's approval, your faithful Subjects, the Inhabitants of this Colony, may enjoy the advantages which the operation of these Acts is intended to afford them.

On motion, the House went into the consideration of the said Address.

On motion, that from the word 'as,' in line 15, from the top of the second page, to the figure '2' in the 6th line from the top of the third page, inclusive, relating to the Marriage Act, be struck out—the House divided:

#### CONTENTS.

*Ambrose Lane,  
Charles Worrell,  
J. Spencer Smith.*

#### NON-CONTENTS.

*The Chief Justice,  
George Wright,  
T. H. Haviland,  
The Attorney General,  
John Brecken.*

And it passed in the negative.

On motion, that that part of the prayer relating to the Marriage Act be struck out, the House divided:

CONTENTS.

*Ambrose Lane,  
Charles Worrell,  
J. Spencer Smith.*

NON-CONTENTS.

*The Chief Justice,  
George Wright,  
T. H. Haviland,  
The Attorney General,  
John Brecken.*

And it passed in the negative.

On motion, that the said Address be agreed to, the House divided:

CONTENTS.

*The Chief Justice,  
George Wright,  
T. H. Haviland,  
The Attorney General,  
John Brecken.*

NON-CONTENTS.

*Ambrose Lane,  
Charles Worrell,  
J. Spencer Smith.*

And it passed in the affirmative.

On motion, Ordered, that a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that he would transmit the foregoing Address to His Majesty's Ministers, in order that the same may be laid at the foot of the Throne.

Ordered, that the Honourables *T. H. Haviland* and *John Brecken* be a Committee for that purpose.

The Honourable *T. H. Haviland* presented the following Address, as agreed to by the Joint Committee of both Houses:

*To His Excellency Sir ARTHUR WILLIAM YOUNG, Knight, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto adjacent, Chancellor and Vice-Admiral of the same, &c &c. &c.*

*May it please Your Excellency;*

We His Majesty's loyal and faithful Subjects the Council and Assembly of Prince Edward Island, in Colonial Parliament assembled, having had under consideration the inconvenience arising from the want of a speedy decision on the several Acts passed by the Legislature of this Island, in the years 1832, 1833 and 1834, which were reserved and transmitted for His Majesty's Royal approbation, and having agreed to an humble Address to His Majesty, setting forth such inconvenience, respectfully request that your Excellency will forward the same for the purpose of being laid at the foot of the Throne, at your earliest convenience; and earnestly hope, from the disposition heretofore manifested by your Excellency to promote the interest and welfare of this Colony, that you will, on the present occasion, add the weight of your influence, to obtain the object prayed for by the Council and House of Assembly.

Ordered, that the said Address be engrossed.

On motion, the Bill intituled "An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand," was read a second time.

Ordered, that there be a Call of the House to-morrow.

Adjourned until 11 o'clock to-morrow.

**FRIDAY April 10th, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**PRAYERS.**

**R**EAD the proceedings of yesterday.

According to order, the Names were called over.

The Honourable *Fade Goff* absent from indisposition.

Read a third time, and passed, the Bill intituled "An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand."

Ordered, that the said Bill be sent down to the House of Assembly.

On motion, Ordered, that the Honourables *T. H. Haviland* and *John Brecken* be a Committee to wait upon His Excellency the Lieutenant Governor with the Address of the Council and Assembly, praying that he will be pleased to forward their Joint Address to His Majesty, on the subject of certain Acts transmitted for the Royal Allowance.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, Ordered, that a Conference be desired with the House of Assembly on the Bill intituled "An Act for levying Colonial Duties of Impost for the support of His Majesty's Government in this Island, and for appropriating certain Monies therein mentioned," and that the Honourables *T. H. Haviland* and *John Brecken* be a Committee to manage the same, to meet in the Committee-Room instant.

A Message from the House of Assembly, by Mr. *Palmer*:

"In the HOUSE of ASSEMBLY,

"Friday, April 10th 1835.

"Ordered, That Mr. *Palmer*, Mr. *Macdonald*, Mr. *Nelson* and Mr. *M. Callum* be a Committee to join the Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor with the Address, praying that he will be pleased to transmit to His Majesty's Ministers the Joint Address of the Council and Assembly to His Majesty, on the subject of certain Acts transmitted for the Royal Allowance.

"WILLIAM CULLEN, Clerk."

And also,

"Mr. President,

"The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the subject of the Bill intituled 'An Act for levying Colonial Duties of Impost for the support of His Majesty's Government in this Island, and for appropriating certain Monies therein mentioned,'

for the service of the year of our Lord One thousand eight hundred and thirty-five; and have appointed Mr. *Pope*, Mr. *Macdonald*, Mr. *Binns* and Mr. *Thornton* a Committee to manage the same.

“House of Assembly, April 10th, 1835.”

On motion, Ordered, that the Committee of this House be instructed to state to the Committee of the House of Assembly, the insuperable objection of this House to the novel mode adopted by the House of Assembly, in sending up to this House a Bill embodying three several Revenue Laws now in force, and appropriating the Supplies therein contemplated to be produced; but in order that the Supplies required for the public service may not be lost, by the rejection of this Bill by the Council, they would suggest that the Revenue Laws be passed as heretofore, in separate Bills, and that the Appropriation Bill form a distinct enactment, conformable to the established usage of this Colony.

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

On motion, Ordered, that the *President*, the Honourables *T. H. Haviland* and the *Attorney General* be a Committee, during the recess, to prepare a code of Rules and Standing Orders for the due government of this House, the same to be submitted for the consideration of the House, on the first day of the next Session.

A Message from the House of Assembly, by Mr. *Pope*:

“*Mr. President*,

“The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference; and have appointed the same Committee who managed the last Conference to manage this further Conference.”

On motion, Ordered, that this House do agree to a further Conference, as desired by the House of Assembly; and that the same Committee who managed the last Conference do manage this further Conference—to meet in the Committee Room instant.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference—and having returned, reported, that they had met the Committee of the House of Assembly, and that that Committee had handed them the following Reasons for pursuing the course the House of Assembly had adopted relative to the Revenue Bills, which are as follows, viz:—

That the House of Assembly, in enacting only one Revenue Bill in the present Session, intended thereby to obviate the confusion and embarrassment which sometimes arose, occasioned by the difference of credit given for the payment of duties under the separate Revenue Acts passed in former Sessions.

The House are at a loss to account for what is termed “the insuperable objections” of the Council, to the novelty of the mode adopted by the House of Assembly in the present instance. They do not find that any objection was made by the Council to an Act passed by the Legislature of this Colony in 1785, in which the whole of the Revenue Acts were embodied into one Act, and the proceeds thereof appropriated to specific purposes.

Were other precedents necessary, your Committee are prepared to adduce several, from the practice of the Imperial Parliament, as well as from this and other of the British Colonies.

The Revenue Acts of last Session were all in their nature temporary, and limited in their operation to the services of the year in which they were passed.

These Acts being on the point of expiring, it became the duty of the House to consider, whether it would be more conducive to the public service to continue the former Revenue Acts, or to adopt some other course; and the result of their deliberations is embodied in the Revenue Bill now under discussion.

The House would consider it a departure from the established parliamentary practice, were they to consult any other branch of the Legislature as to the mode in which the Taxes imposed on the people were to be raised, or the proceeds thereof appropriated; and therefore they cannot, without a sacrifice of principle, concur in the suggestions of the Council.

The Honourable *Thomas H. Haviland* submitted the following Resolution, viz:—

*Resolved*, That the novel mode adopted by the House of Assembly, in this present Session, of embodying in one and the same Bill three distinct and separate Revenue Laws now in force, together with the whole of the appropriations for the service of the current year, without previously affording the Council an opportunity of deliberating upon and signifying their assent or otherwise to each separate measure, as heretofore, is contrary to the usage of the British Parliament, unprecedented in any of His Majesty's North American Colonies, and an encroachment upon the constitutional rights and privileges of this House.

On motion, that the said Resolution be agreed to, the House divided:

CONTENTS.

*The Chief Justice,  
George Wright,  
Ambrose Lane,  
T. H. Haviland,  
Charles Worrell,  
John Brecken,  
J. Spencer Smith.*

NON-CONTENT.

*The Attorney General.*

And it passed in the affirmative.

On motion, that the Bill intituled 'An Act for levying Colonial Duties of Impost for the support of His Majesty's Government in this Island, and for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five,' be read a second time this day three months, the House divided:

CONTENTS.

*The Chief Justice,  
George Wright,  
Ambrose Lane,  
T. H. Haviland,  
Charles Worrell,  
John Brecken,  
J. Spencer Smith.*

NON-CONTENT.

*The Attorney General.*

And it passed in the affirmative.

His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the immediate attendance of the House of Assembly in the Council Chamber.

The House of Assembly, with their Speaker, attended accordingly, when His Excellency was pleased to give his assent to the following Bills, viz:—

*An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin.*

*An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island.*

*An Act relating to Marriages.*

*An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned.*

*An Act for vacating the seats of Members of the Assembly in certain cases therein mentioned.*



*An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment.*

*An Act to explain and amend the Act relating to Trespasses.*

*An Act authorizing Commissions to be issued for taking the depositions of Witnesses out of this Island, in cases where Judgment hath been marked by default.*

*An Act concerning the Property of the Methodist Society at Charlotte Town.*

*An Act to amend and render perpetual certain Laws now in force relating to Treasury Notes.*

*An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand.*

*An Act to prevent Hawkers and Pedlars travelling and selling within this Colony without Licence.*

*An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.*

*An Act to authorize the sale of Lands in this Island, reserved as Sites for Churches, and for Glebe and School Lands.*

His Excellency was then pleased to close the Session with the following Speech, viz:—

*Mr. President, and Gentlemen of His Majesty's Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

As you have now brought to a close this unusually protracted Session, it only remains for me to dismiss you to your respective avocations.

I have to express my regret in proroguing you without those Supplies that are so essentially requisite to enable me to carry on the Government.

After which, the President of the Legislative Council, by His Excellency's command, said—

Gentlemen,

It is His Excellency's will and pleasure, that this General Assembly be prorogued until Monday the 25th day of May next; and this General Assembly is accordingly prorogued until Monday the 25th day of May next.

**End of the First Session.**

**JOURNAL**  
**OF THE**  
**LEGISLATIVE COUNCIL**  
**OF**  
**PRINCE EDWARD ISLAND.**

**ANNO QUINTO**  
**GULIELMI IV. REGIS.**

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**SECOND SESSION OF THE FOURTEENTH GENERAL ASSEMBLY.**

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**CHARLOTTE TOWN:**

Printed by **JAMES DOUGLAS HASZARD**, Printer to the King's Most Excellent Majesty.

**1885.**





BY HIS EXCELLENCY

**Sir ARETAS WILLIAM YOUNG,**

Knight, Lieutenant Governor and Commander in Chief, in and over His Majesty's  
Island Prince Edward, and its Dependencies, Chancellor and Vice-Admiral

**A. W. YOUNG,** of the same, &c. &c. &c.  
Lt. Governor.

## **A P R O C L A M A T I O N .**

**W**HEREAS the General Assembly of this Island stands prorogued to Monday, the  
Twenty-fifth day of May next, and it is expedient, for special reasons, that a Meeting  
of the said General Assembly should be sooner held, for the Dispatch of Business:

I have therefore thought fit to summon the said General Assembly, and the same is hereby  
summoned to meet on Wednesday, the Twenty-ninth instant, for the **DESPATCH** of BUSINESS  
—of which all Persons concerned are required to take Notice, and govern themselves accordingly.

Given under my Hand, and the Seal of the said Island, at Charlotte Town, this 13th  
day of April, in the year of our Lord One thousand eight hundred and thirty-five,  
and in the Fifth Year of His Majesty's Reign.

By His Excellency's Command,

**J. P. COLLINS,** Colonial Secretary.

**GOD SAVE THE KING.**



# JOURNAL

OF THE

## LEGISLATIVE COUNCIL.

COUNCIL CHAMBER,  
WEDNESDAY, April 29th, 1835.

In pursuance of the foregoing Proclamation, the Legislative Council met.

PRESENT:

The Hon. Chief Justice Jarvis, President;

The Honourables

{ George Wright,  
Ambrose Lane,  
Charles Worrell,  
The Attorney General,  
John Brecken,  
J. Spencer Smith.

**H**IS Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the immediate attendance of the House of Assembly in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased to open the Session with the following Speech:

*Mr. President, and Gentlemen of His Majesty's Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I regret the occasion which compels me to call you from your homes at a season of the year so inconvenient to your usual avocations; but it is rendered imperative on my part again to meet you thus early in General Assembly, in consequence of being left, at the close of the last Session, without the supplies necessary to the due and effectual support of the Government.

I venture, however, to express my earnest hope, that you will now, in your collective wisdom, be enabled to adopt such measures as will relieve the Colony from those difficulties which at present threaten it.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I shall cause the Estimates for the service of the current year to be laid before you, depending upon your liberality to vote such supplies as will enable me to meet the necessary and unavoidable expenditure of the Government.

*Mr. President, and Gentlemen of His Majesty's Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

Since the termination of the last Session of the Assembly, I have received communications from His Majesty's Principal Secretary of State for the Colonies, conveying His Majesty's pleasure upon the several Acts passed in the Sessions 1832 and 1834, copies of which I shall take an early opportunity of directing to be laid before you.

I have much satisfaction in being enabled to state to you, among the Bills to which His Majesty's approval has been signified, are the Marriage Bill and the Boundary Bill, which will render unnecessary the transmission of your joint Address to His Majesty upon these highly interesting and important measures.

In leaving you to resume the important duties which now devolve upon you, I trust that your united deliberations will be conducted with that spirit of harmony and good understanding, without which all our exertions to benefit the Colony must prove futile and fallacious.

The Speech being ended, His Excellency was pleased to retire, and the House of Assembly having withdrawn, the President reported His Excellency's Speech, which being read by the Clerk,

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, to return His Excellency the thanks of this House, for his Speech delivered this day.

Ordered, that Mr. *Lane*, Mr. *Brecken* and Mr. *Smith* be a Committee to prepare a draft, pursuant to the above Resolution.

Ordered, that Mr. *Worrell* and Mr. *Attorney General* be a Committee to revise the Journals of the House each day.

Ordered, that Mr. *Wright* be appointed to examine into, and report upon such Laws as are near expiring.

On motion, Ordered, that the Rev. *Louis Charles Jenkins* be appointed Chaplain, and that he be requested to attend the Council to-morrow at 11 o'clock, and each succeeding day during the Session, for the purpose of reading Prayers.

His Excellency the Lieutenant Governor, requiring the personal attendance of *J. P. Collins*, Esquire, the Clerk of this House, Mr. *Charles Desbrisay* was appointed to act as Clerk during the present Session; who having taken the Oath of Allegiance, and also the Oath of Office, took his seat accordingly.

Adjourned until 11 o'clock to-morrow.

**THURSDAY, April 30th, 1835.**

The Council met; pursuant to adjournment.

**PRESENT:**

The Honourable *Chief Justice Jarvis*, President;

The Honourables

*George Wright,  
Ambrose Lane,  
Charles Worrell,  
The Attorney General,  
John Brecken,  
J. Spencer Smith.*



**PRAYERS.**

**R** **EAD** the proceedings of yesterday.

Mr. *Lane*, from the Committee appointed to prepare a draft of an Address, in reply to His Excellency's Speech, reported, that they had prepared a draft of the same, which is as follows, viz:—

*To His Excellency Sir ARTHUR WILLIAM YOUNG, Knight, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories therewith adjacent, Chancellor and Vice-Admiral of the same, &c. &c. &c.*

*May it please Your Excellency;*

We His Majesty's faithful and loyal Subjects, the Members of the Legislative Council, in General Assembly convened, beg leave to thank your Excellency for your Speech delivered at the opening of this Session of the Colonial Parliament.

We extremely regret that your Excellency should have been left, at the close of the last Session, without the Supplies required for the support of your Government, and are fully satisfied of the necessity that existed for again calling us together thus early.

We sincerely hope that such measures may be adopted as will relieve the Colony from the great difficulties which threaten it at present.

The information communicated by your Excellency of His Majesty's pleasure having been signified upon the Acts passed in the Sessions of 1832 and 1834, particularly as regards His Majesty's approval of the 'Marriage Bill' and the 'Boundary Bill,' is truly gratifying; and we thank your Excellency for your intention of causing us to be furnished with copies of the Communications relating to the same.—We rejoice that a necessity no longer exists for troubling His Majesty with our Joint Address upon this subject.

Fully convinced that the true interests of the Colony cannot be advanced unless a spirit of harmony and good understanding exists between the several branches of the Legislature, your Excellency may rest assured, that in all our deliberations the best efforts of the Council shall be directed to promote and maintain that desirable end.

Which Address being read by the Clerk, was agreed to by the House, and ordered to be engrossed.

Ordered, that the said Address be presented to His Excellency by the whole House.

Ordered, that a Committee, consisting of Mr. *Lane*, Mr. *Brecken* and Mr. *Smith*, do wait upon His Excellency the Lieutenant Governor, to know at what time His Excellency will be pleased to receive the Address of this House.

The President laid before the House the following Communication from William Tyng Peters, Esq., the Clerk of the Legislative Council of New-Brunswick, enclosing a Resolution of that House, together with the Journals referred to in the said Communication:



FREDERICTON, NEW-BRUNSWICK,

24th March, 1835.

SIR,

By direction of the Honourable the Legislative Council of this Province, I have the honour to forward to you, by Mail, a copy of the Journals of that House, and also to inclose a copy of a Resolution recently passed that House; and to acquaint you, the Laws of this Province (now under revision), will be forwarded to you at the earliest moment they can be obtained, and in future they will be transmitted to you annually.

I will feel obliged, by any aid you can afford me further, to carry into effect the wishes expressed in the Resolution.

I have the honour to be

Your most obedient Servant,

(Signed)

WILLIAM TYNG PETERS, C. L. C.

J. P. Collins, Esq., Clerk of the Legislative  
Council, P. E. Island.

NEW-BRUNSWICK, Legislative Council Chamber,

11th March, 1835.

**RESOLVED**, That the Clerk be directed to make arrangements for interchanging the Laws of this Province with the General Legislative Councils of Lower Canada, Upper Canada, Nova Scotia and Prince Edward Island, for the Laws of those Provinces respectively, for the use of this House—such arrangement to extend to the existing Laws of the several Provinces, as well as to any future Laws to be passed.

A true Extract.

(Signed)

WILLIAM TYNG PETERS, C. L. C.

Ordered, that the Clerk of this House be directed to acknowledge the receipt of the foregoing Communication from the Clerk of the Legislative Council of New Brunswick, and therein express the thanks of this House for the courtesy of the Legislative Council of that Province, in forwarding a copy of their Journals—and that he do, at the same time, communicate the following Resolution, viz:—

**Resolved**, That arrangements be forthwith made for an interchange of the Laws of this Island with the Legislative Council of New Brunswick, for the Laws of that Province, for the use of this House—such arrangement to include any Laws hereafter to be passed.

Ordered, that the Clerk do transmit to the Clerk of the Legislative Council of New-Brunswick a copy of the Journals of this House, as far as the same shall have been printed.

Mr. Lane, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to know at what time His Excellency will be pleased to receive the Address of this House, reported, that His Excellency had been pleased to say that he would receive the Address to-morrow at One o'clock.

Adjourned until 12 o'clock to-morrow.

**FRIDAY, May 1st, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;  
 The Honourables { *George Wright,*  
                           *Ambrose Lane,*  
                           *Charles Worrell,*  
                           *The Attorney General,*  
                           *John Brecken,*  
                           *J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

The Council adjourned, to wait upon His Excellency with their Address:  
 And being again met, the President reported, that the House had presented their Address, and that His Excellency had been pleased to return the following answer, viz:—

Gentlemen,

Your assurance that in all your deliberations your best efforts will be directed to promote and maintain a spirit of harmony and good understanding with the other branch of the Legislature, is what I was fully prepared to receive from you.

A Message from the House of Assembly, by Mr. *Brenan*, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:—

“An Act to explain an Act passed in the Second year of His present Majesty’s Reign, intituled ‘An Act to confirm and render valid certain ‘Marriages heretofore solemnized within this Island, and also to declare by ‘whom and in what manner Marriages shall be celebrated in future,’ and to ‘provide for the public Registry of the same.’”

“An Act to continue four several Acts therein mentioned.”

Read the said Bills a first time.

Mr. *Attorney General* obtained leave to absent himself to-morrow.

Adjourned until 12 o’clock to-morrow.

**SATURDAY, May 2d, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;  
 The Honourables { *George Wright,*  
                           *Ambrose Lane,*  
                           *Charles Worrell,*  
                           *John Brecken,*  
                           *J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time, the Bill intituled “An Act to continue four several Acts therein mentioned.”

On motion, the said Bill was read a third time and passed.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

MONDAY, May 4th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables

{ *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of Saturday.

~~Message~~ Message: from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, two Despatches from the Earl of Aberdeen, transmitting four Orders of His Majesty in Council allowing various Acts passed by the Legislature in the years 1832 and 1834; and also another Despatch, transmitting two Orders of His Majesty in Council disallowing two certain Acts therein mentioned.

Government House, May 1st, 1835.

[ COPY. ]

No. 3.

DOWNING STREET, 17th January, 1835.

SIR,

Various Acts passed by the Legislature of Prince Edward Island, in the year 1832, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to His Majesty their opinion, that these Acts should be left to their operation; and I have the honour herewith to transmit to you an Order of His Majesty in Council, dated the 20th ultimo, approving that Report.

I also inclose an Order of His Majesty in Council, bearing the same date, specially confirming and finally enacting Act No. 332.

I have, &c.

(Signed)

ABERDEEN.

Lieut. Governor, Sir A. W. Young.

AT THE COURT AT SAINT JAMES'S, THE 20th OF DECEMBER, 1834.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY,

*Lord Chancellor,*  
*Lord President,*  
*Lord Pryor Seal,*  
*Duke of Wellington,*  
*Marquis of Winchester,*  
*Lord Chamberlain,*  
*Earl of Aberdeen,*  
*Lord Granville Somerset,*

*Viscount Lowther,*  
*Lord Maryborough,*  
*Sir Robert Peel, Bart.*  
*Mr. Goulburn,*  
*Sir George Murray,*  
*Mr. Fates Pitt,*  
*Mr. Planta.*

WHEREAS the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did pass twenty-four Acts in the year 1832; which have been transmitted, entitled as follows, viz:—  
No. 319.—“ An Act to consolidate and amend the several Acts of the General Assembly therein mentioned relating to the Revenue of Small Holdings.”

No. 320.—“An Act to prevent the destruction of Oysters, by burning the same, for the purpose of converting the Shells thereof into Lime.”

No. 321.—“An Act to enable certain persons to put their Marriages upon Record.”

No. 322.—“An Act authorizing the removal of Nuisances from the Streets of Charlotte Town.”

No. 323.—“An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act to issue Writs of Summary Capias against persons about to leave this Island.”

No. 324.—“An Act to alter and amend an Act made in the Forty-eighth year of the reign of His late Majesty King George the Third, intituled ‘An Act for repealing an Act intituled An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island, and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their duty.’”

No. 325.—“An Act for building a Court House and Jail in Prince County, and for appointing Commissioners to superintend the same.”

No. 326.—“An Act to prevent the running at large of Swine within the Town and Royalty of Princetown.”

No. 327.—“An Act for limiting the time for holding the Poll for the Election of Members to serve in General Assembly.”

No. 328.—“An Act for the relief of Solomon Desbrisay, a prisoner in confinement for Debt within the limits of the Jail of Charlotte Town.”

No. 329.—“An Act to prevent Tavernkeepers, Innkeepers, or other persons, from harbouring or entertaining Soldiers at improper hours.”

No. 331.—“An Act to prevent the importation and spreading of Infectious Diseases within this Island.”

No. 333.—“An Act establishing the mode of recovering Penalties and Costs before Justices of the Peace, where the same are imposed by certain Acts of the General Assembly of this Island, and no provision is made for the enforcing thereof.”

No. 334.—“An Act to amend and render more effectual an Act made and passed in the Eleventh year of the reign of His late Majesty, intituled ‘An Act to authorize the conviction and punishment, in a summary way, of persons committing common Assaults and Batteries.’”

No. 335.—“An Act to incorporate the Minister and Trustees of Saint James’s Church, in the Town of Charlotte Town.”

No. 336.—“An Act to incorporate the Minister and Elders of Saint John’s Church, in the District of Belfast.”

No. 338.—“An Act to increase the Revenue, by levying a Duty of Impost on all Goods, Wares and Merchandise imported into this Island, with certain exceptions.”

No. 339.—“An Act to continue an Act made and passed in the First year of His present Majesty’s Reign, imposing a Duty of Impost on Tobacco and Tea.”

No. 341.—“An Act to regulate the Salary of the Collector of Impost and Excise for the District of Charlotte Town.”

No. 342.—“An Act to provide Salaries for Sub-Collectors of Customs.”

No. 343.—“An Act to provide for the better preservation of public and private Property at Georgetown, against Accidents by Fire.”

No. 344.—“An Act to provide for the conveyance of the Mails between Charlotte Town and Picton, by a Steam Vessel.”

No. 345.—“An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-two.”

No. 346.—“An Act to provide for the contingent Expenses of the present Session.”

Which Acts having been referred to the Committee of the Lords of His Majesty Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, the said Lords of the Committee have reported as their opinion to His Majesty, that the said Acts should be left to their operation—His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to approve the said Report; whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty’s Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

AT THE COURT AT SAINT JAMES’S, THE 20th OF DECEMBER, 1834.

PRESENT:

THE KING’S MOST EXCELLENT MAJESTY,

|                                 |                               |
|---------------------------------|-------------------------------|
| <i>Lord Chancellor,</i>         | <i>Viscount Lowther,</i>      |
| <i>Lord President,</i>          | <i>Lord Maryborough,</i>      |
| <i>Lord Privy Seal,</i>         | <i>Sir Robert Peel, Bart.</i> |
| <i>Duke of Wellington,</i>      | <i>Mr. Goulburn,</i>          |
| <i>Marquis of Winchester,</i>   | <i>Sir George Murray,</i>     |
| <i>Lord Chamberlain,</i>        | <i>Mr. Yates Peel,</i>        |
| <i>Earl of Aberdeen,</i>        | <i>Mr. Planta.</i>            |
| <i>Lord Granville Somerset,</i> |                               |

WHEREAS the Legislative Council and Assembly of His Majesty’s Island of Prince Edward, did pass an Act in the year One thousand eight hundred and thirty-two, which has been reserved for the signification of His Majesty’s pleasure, and transmitted, entitled as follows, viz:—

No. 332.—“An Act to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the public Registry of the same:”

Which Act having been referred to the Committee of the Lords of His Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations—the said Lords of the Committee have reported as their opinion to His Majesty, that the said Act should receive His Majesty's special confirmation: His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare His special confirmation of the said Act; and the same is hereby specially confirmed, ratified and finally enacted accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

[ COPY. ]

No. 4.

DOWNING STREET, 19th January, 1835.

SIR,

I have the honour to transmit to you, herewith, two Orders of His Majesty in Council, dated the 20th ultimo, disallowing Acts Nos. 330 and 337, passed by the Legislature of Prince Edward Island in the year 1832, and the extracts from a Report of the Lords of the Committee of Council for Trade and Foreign Plantations, explaining the grounds upon which His Majesty was advised by their Lordships to disallow the same.

I have, &c.

(Signed)

ABERDEEN.

Lieutenant Governor, Sir A. W. Young.

AT THE COURT AT SAINT JAMES'S, THE 20th DECEMBER, 1834.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY;

*Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Duke of Wellington,  
Marquis of Winchester,  
Lord Chamberlain,  
Earl of Aberdeen,  
Lord Granville Somerset,*

*Viscount Lowther,  
Lord Maryborough,  
Sir Robert Peel, Bart.  
Mr. Goulburn,  
Sir George Murray,  
Mr. Yates Peel,  
Mr. Plunket.*

WHEREAS the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did pass an Act in the year 1832, which has been transmitted, entitled as follows, viz:

No. 330.—“An Act to require Landlords and Claimants of Rents to put the Titles by which they claim upon Record, in the proper Office of Record in this Island:”

Which Act having been referred to the Committee of the Lords of His Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, the said Lords of the Committee have reported as their opinion to His Majesty, that the said Act should not receive His Majesty's Royal confirmation. His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

Extract from a Report of the Lords of the Committee of Council for Trade, upon an Act passed by the Legislature of Prince Edward Island, in the year 1832, (No. 330)—dated 8th Dec. 1833.

“The Lords of the Committee have this day had the said Act under consideration.

“This Act requires that in every case where the Landlord has a derivative Title, to enforce payment of Rent, he must register the whole of his Title, although it may have been repeatedly acknowledged by the Tenant by the payment of Rent, and sanctions the claim of the Tenant under such circumstances to contest his Landlord's Title: whereas the Law of this Kingdom, and general convenience and justice, alike require, that the Tenant should

'Very little advantage could arise to the Tenant from the proposed Registration of the Landlord's Title: whereas the Landlord might be seriously aggrieved by the necessity of conforming to the many minute regulations to which this Act would subject him.

'For the reasons above stated, the Lords of the Committee are humbly of opinion, that this Act should be disallowed by Your Majesty.'

AT THE COURT AT SAINT JAMES'S, THE 20th DECEMBER, 1834.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY;

*Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Duke of Wellington,  
Marquis of Winchester,  
Lord Chamberlain,  
Earl of Aberdeen,  
Lord Granville Somerset,*

*Viscount Louth,er,  
Lord Maryborough,  
Sir Robert Peel, Bart.  
Mr. Goulburn,  
Sir George Murray,  
Mr. Yates Peel,  
Mr. Planta.*

WHEREAS the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did pass an Act in the year 1832, which has been transmitted, entitled as follows, viz:

No. 337.—'An Act to encourage the settlement and improvement of Lands in this Island, and to regulate the proceedings of a Court of Escheats therein:'

Which Act having been referred to the Committee of the Lords of His Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, the said Lords of the Committee have reported as their opinion to His Majesty, that the said Act should not receive His Majesty's Royal confirmation. His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly—Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

Extract from a Report of the Lords of the Committee of Council for Trade, upon an Act passed by the Legislature of Prince Edward Island, in the year 1832, (No. 337)—dated 6th of December, 1834.

'The Lords of the Committee have this day had the said Act under their consideration.

'This Act proceeds on the supposition that Lands forfeited to the Crown for the breach of a condition contained in the original Grant, are the subject of Escheat.

'Without the aid of any positive Law, the Crown might take advantage of any such conditions, and by the enactment of such a Law as the present, your Majesty would be fettered in the exercise of your Prerogative, either of enforcing or remitting such Forfeitures, as the merit of each particular case might require.

'For the reasons above stated, the Lords of the Committee are humbly of opinion, that this Act should be disallowed.'

[ COPY. ]

No. 6.

DOWNING STREET, 19th February, 1835.

SIR,

Various Acts passed by the Legislature of Prince Edward Island, in the Month of March last, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Plantations; that Committee have reported to His Majesty their opinion, that these Acts should be left to their operation; and I have the honour herewith to transmit to you an Order of His Majesty in Council, approving that Report.

I also inclose an Order of His Majesty in Council, specially confirming and finally enacting the Acts numbered 397 and 400.

I have, &c.

(Signed)

ABERDEEN.

AT THE COURT AT BRIGHTON, THE 7th OF FEBRUARY 1835.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY;

*Lord President,  
Lord Privy Seal,  
Earl of Aberdeen,  
Earl Howe,*

*Mr. Wynn,  
Mr. Herries,  
Mr. Baring.*

WHEREAS the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the year One thousand eight hundred and thirty-four, pass Twenty Acts, which have been transmitted, entitled as follows, viz:—

No. 386.—'An Act for the Encouragement of Education.'

No. 387.—'An Act for the summary Trial of common Assaults and Batteries.'

No. 388.—'An Act for regulating the Toll for the manufacture of Oatmeal and Pearl Barley, and to amend an Act ascertaining the Toll to be taken at Grist Mills.'

No. 389.—'An Act for establishing the size and quality of Fish Barrels and Tierces, and for regulating the Weight of Fish the same shall contain.'

No. 390.—'An Act for the appointment of Sheep Reeves, and to restrain Rams from being at large at improper seasons, and to repeal the Acts formerly passed for that purpose.'

No. 391.—'An Act relating to Costs, in cases of Penalties recoverable before Justices of the Peace.'

No. 392.—'An Act to enable the Supreme Court to give Costs in Cases of Certiorari.'

No. 393.—'An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment.'

No. 394.—'An Act for the regulation of the Jails in King's and Prince Counties.'

No. 395.—'An Act for the better preventing Accidents by Fire within the Town of Charlotte Town.'

No. 396.—'An Act to repeal certain Acts therein mentioned.'

No. 398.—'An Act to regulate the conveyance of the Mails by a Steam Vessel, and to repeal an Act formerly passed for that purpose.'

No. 399.—'An Act authorizing Collectors of Impost to appoint Deputies.'

No. 401.—'An Act in further amendment of an Act passed in the Tenth year of His late Majesty's Reign, intituled 'An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.'

No. 403.—'An Act for the better conveyance of the Mails in the Winter Season.'

No. 404.—'An Act to continue an *ad-valorem* Duty on all Goods, Wares, and Merchandise imported into this Island, with certain exceptions.'

No. 405.—'An Act to continue for one year an Act levying a Duty on Tobacco and Tea.'

No. 406.—'An Act for continuing for one year an Act imposing an additional Duty on Wines and Spirituous Liquors.'

No. 407.—'An Act for levying a Light Duty on all Vessels clearing out at any of the Custom Houses in this Island.'

No. 408.—'An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-four.'

And whereas the said Acts have been referred to the Committee of the Lords of His Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Lords of the Committee have reported as their opinion to His Majesty that the said Acts should be left to their operation—His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to approve the said Report—whereof the Governor, Lieutenant Governor or Commander in Chief of His Majesty's Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

AT THE COURT AT BRIGHTON, THE 7th FEBRUARY, 1835.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY;

*Lord President,  
Lord Privy Seal,  
Earl of Aberdeen,  
Earl Howe,*

*Mr. Wynn,  
Mr. Herries,  
Mr. Baring.*

WHEREAS the Legislative Council and Assembly of His Majesty's Island of Prince Edward, did in the year 1834, pass two Acts, which have been reserved by the Governor for the signification

No. 397.—‘An Act for continuing the General Assembly, in case of the death or demise of His Majesty, His Heirs and Successors.’

No. 400.—‘An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned.’

And whereas the said Acts have been referred to the Committee of the Lords of His Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Lords of the Committee have reported as their opinion to His Majesty, that the said Acts should receive His Majesty's special confirmation: His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare his special confirmation of the said Acts, and the same are hereby specially confirmed, ratified and finally enacted accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

Ordered, that the foregoing Documents do lie on the Table.

A Message from the House of Assembly, by Mr. *Thornton*, with the Bill intituled “An Act for the increase of the Revenue in this Island,” to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until 11 o'clock to-morrow.

**TUESDAY, May 5th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President

|                 |   |                              |
|-----------------|---|------------------------------|
| The Honourables | { | <i>George Wright,</i>        |
|                 |   | <i>Ambrose Lane,</i>         |
|                 |   | <i>T. H. Haviland,</i>       |
|                 |   | <i>Charles Worrell,</i>      |
|                 |   | <i>The Attorney General,</i> |
|                 |   | <i>John Brecken,</i>         |
|                 |   | <i>J. Spencer Smith.</i>     |

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time, the Bill intituled “An Act for the increase of the Revenue in this Island.”

On motion, Ordered, that a Conference be desired with the House of Assembly on the said Bill.

Ordered, that Mr. *Haviland* and Mr. *Smith* be a Committee to manage the same, to meet in the Committee Room instantan.

A Message from the House of Assembly, by Mr. *M'Callum*, with the following Bill, to which they desire the concurrence of the Legislative Council, viz:—

“An Act for appropriating certain monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five.”

Read the said Bill a first time.



A Message from the House of Assembly, by Mr. Thornton:

"Mr. President,

"The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the Bill intituled 'An Act for the increase of the Revenue in this Island,' and have appointed Mr. Pope, Mr. M'Donald, Mr. Green and Mr. Thornton a Committee to manage the same."

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

The President, from the Committee appointed last Session to prepare a code of Rules and Standing Orders for the due government of this House, presented the following Rules, which were read and ordered to be engrossed, viz:—

FIRST—That Prayers shall be read every day by the Chaplain of this House at the opening thereof.

SECOND—The Members of this House are to keep their dignity and order in sitting, as much as may be, and not to remove out of their places without just cause, to the hindrance of others that sit near them, and disorder of the House.

THIRD—That immediately after Prayers the Minutes of the preceding day be always read.

FOURTH—That when this House is called together, notice shall be taken of such Members as are absent, unless excused by the King, the Governor in Chief, Lieutenant Governor or Officer administering the Government of this Island.

FIFTH—That for absence every Member is to make his excuse by a Member of this House, and if allowed, he is to be excused, if not, he is to be censured by the House, as the fault requires.

SIXTH—To prevent misunderstandings, and for avoiding offensive speeches, when matters are debating either in the House or at Committees, all personal, sharp, or taxing speeches be forborne; and whosoever answereth another man's Speech, shall apply his answer to the matter without wrong to the person; and as nothing offensive is to be spoken, so nothing is to be ill taken, if the party that speaks it shall presently make a fair exposition or clear denial of the words that might bear any ill construction; and if any offence of that kind be given, as the House itself will be very sensible thereof, so it will sharply censure the offenders, and give the party offended a fit reparation and full satisfaction.

SEVENTH—That for avoiding all mistakes, unkindnesses or other differences which may grow to quarrels, tending to the breach of the peace, if any Member shall conceive himself to have received any affront or injury from any other Member of the House, either in the Council Chamber, or at any Committee, or in any of the Rooms belonging thereto, he shall appeal to the House for his reparation, which, if he shall not do, but occasion, or entertain quarrels, declining the justice of the House, then the Member that shall be found therein offending, shall undergo the severe censure of this House.

EIGHTH—That if any Member have occasion to speak with another Member in this House, whilst the House is sitting, they are to go together below the Bar, or else the Speaker is to stop the business in agitation.

NINTH—The privilege of this House is, that no Member of the said House, during the sitting thereof, or within the usual times of privilege of Parliament is to be imprisoned or restrained without sentence or order of this House, unless it be for Treason or Felony, or for refusing to give Security for the Peace.

TENTH—That such Members of this House as shall make protestation, or enter their dissents from any vote of this House, as they have a right to

do, without asking leave of this House, either with or without their reasons, shall cause their protestations or dissents to be entered in the Clerk's Book the next sitting day of this House, before the rising of the House, and shall then sign the same on such day before the rising of this House.

**ELEVENTH**—That all Orders of the Day, which by reason of any adjournment shall not have been proceeded upon, shall be considered only as postponed to the next day on which the House shall sit.

**TWELFTH**—That when a question is under debate, no motion shall be received in the House, unless for the purpose of amending, committing, or postponing it to a certain day, or for the Order of the Day, or to adjourn.

**THIRTEENTH**—That in all motions, which may be deemed special, two days notice thereof shall be given to this House, and that any motion, with leave of the House, may be withdrawn at any time before amendment or decision.

**FOURTEENTH**—That after the question hath been entirely put by the President, no Member is to speak upon the question before voting.

**FIFTEENTH**—That after a question is put, and the House hath voted thereon, no Member shall depart out of his place, until the House hath entered upon some other business.

**SIXTEENTH**—That in voting, the Contents shall rise in their places, and the Non-Contents continue to sit.

**SEVENTEENTH**—That in all Messages from the Assembly to this House, with a Bill or otherwise, the same cannot be received unless the object of it be expressed verbally, as hath hitherto been the practice.

**EIGHTEENTH**—As it might deeply intrench on the privileges of this House for any Member to answer an accusation in the House of Assembly, either in person, or by sending his answer in writing, or by his Counsel there—it is ordered, that no Member of this House shall either go down to the House of Assembly, or send his answer in writing, or appear by Counsel, to answer any accusation there, upon penalty of being committed to the Black Rod, or to Prison, during the pleasure of this House.

**NINETEENTH**—For our meeting with any of the Lower House, either upon occasion of Messages, which they send up to us, or upon Conference when they come up to us, the manner is thus—When notice is given to the House by the Usher of the Black Rod, that a Message or deputation is sent to us by the House of Assembly, they attend until the House is prepared to receive them; then we being seated, send for them; on their coming up to the middle of the Bar, the President rises and goes down to the Bar, and receives their Message, uncovered; the Message is then read and delivered to the President by one of the members of the deputation; on their retiring, the President resumes the Chair, and standing uncovered, reports the Message for the information of the Members; the House then resumes the business it had before it.

**TWENTIETH**—That each Member of this House has a right to require that the question or motion in discussion be read for his information at any time of the debate.

**TWENTY-FIRST**—Bills are seldom opposed at the first reading, but are generally committed upon motion at the second reading, at which time the principle is usually debated.

**TWENTY-SECOND**—That to annex any Clause or Clauses to a Bill of Aid or Supply, the matter of which is foreign to and different from the matter of the said Aid or Supply, is unparliamentary.

**TWENTY-THIRD**—That when a Bill originating in this House has once passed through its final stage in this House, no new Bill for the same object can afterwards be originated in this House during the same Session.

**TWENTY-FOURTH**—That for the future no motion shall be granted for making any order of this House a Standing Order, or dispensing with a Standing

Order the same day it is made, nor before the Members of this House in Town shall be summoned to consider of the same motion.

**TWENTY-FIFTH**—That Bills brought up from the House of Assembly, when reported by the President and handed to the Clerk, shall be carefully read over by him, and all verbal mistakes, if any, noticed by him to the Speaker in writing.

**TWENTY-SIXTH**—The President, when he speaks to the House, is always to speak uncovered, and is not to adjourn the House, or do any thing else as mouth of the House, without consent of the Members first had—except such things as are of course, wherein the Members may likewise overrule, and in case of difference amongst the Members, it is to be put to the question; and if the President will speak to any thing particularly, he is to go to his own place as a Member.

**TWENTY-SEVENTH**—That every Member previous to his speaking to any question or motion, or other matter before the House, shall rise from his seat uncovered, and address himself to the House.

**TWENTY-EIGHTH**—When a question is decided by vote, the number of both the affirmatives and negatives shall be inserted in the minutes, and also the Members' names, if desired.

**TWENTY-NINTH**—That the Black Rod do not permit any person to come within the House while it is sitting, except the Members and Officers attending, and the Members of the House of Assembly, and such person or persons as may receive a Ticket from any Member of this House.

**THIRTIETH**—That any Member who brings up a Petition, shall, in his place, acquaint the House of the general purport of such Petition, and ask leave for it to be read, which must be seconded before it is read.

**THIRTY-FIRST**—No Member is to speak twice to any Bill at one time of reading it, or any other proposition, unless it be to explain himself in some material point of his speech, but no new matter, and that not without leave of the House first obtained. Every Member speaks standing uncovered, and names not Members of the House commonly by their names, but "the Member that spoke last"—"last but one"—"last but two, &c.—or some other note of distinction.

**THIRTY-SECOND**—To have more freedom of debate, and to facilitate business, Committees are appointed either of the whole House, or of Individuals; Committees of the whole House sit in the House, but then the President sits not in the Chair as President.

**THIRTY-THIRD**—Every Member is to sit in his due place when the House is put into a Committee.

**THIRTY-FOURTH**—If it be desired by any Member that the House be put into Committee, it ought not to be refused.

**THIRTY-FIFTH**—That every Member who shall introduce a Bill, Petition, or motion, upon any subject which may be referred to a Committee, shall be one of the Committee, without being named by the House.

**THIRTY-SIXTH**—That in a Committee of the whole House, the Rules of the House shall be observed in so far as they may be applicable, excepting the Rule limiting the times of speaking; and that no motion for the previous question, or for adjournment, can be received, but a member may at any time move that the Chairman do leave the Chair, or report some progress made, and ask for leave to sit again.

**THIRTY-SEVENTH**—That no Bill, Resolution, or other proceeding founded upon any application addressed to the House of Assembly, be sustained by the Council, unless an application to the same effect, with such documents as may accompany the same, be also presented to the Council in General Assembly.

**THIRTY-EIGHTH**—That when any Bill shall be sent by this House to a Committee, such Committee shall examine in the first place whether the Standing Orders of this House have or have not been complied with, and shall report the same to the House.

Adjourned until 11 o'clock to-morrow.

**WEDNESDAY, May 6th, 1835.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Hon. *Chief Justice Jarvis*, President;

The Honourables

{ *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**PRAYERS.**

**READ** the proceedings of yesterday.

On motion, Ordered, that the Bill intituled "An Act to explain an Act passed in the Second year of His present Majesty's Reign, intituled 'An Act to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future,' and to provide for the public Registry of the same," be read a second time this day three months.

A Message from the House of Assembly, by *Mr. Pope*:

"*Mr. President,*

"The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference to manage this further Conference."

On motion, Ordered, that this House do agree to a further Conference, as desired by the House of Assembly, and that the same Committee who managed the last Conference do manage this further Conference, to meet in the Committee Room instantler.

Ordered, that a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

Read a third time, and passed, the Bill intituled "An Act for the increase of the Revenue in this Island."

Ordered, that the said Bill be sent down to the House of Assembly.

Read a second time, the Bill intituled "An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five."

On motion, the said Bill was read a third time and passed.  
Ordered, that the said Bill be sent down to the House of Assembly.

Read as engrossed, the Rules for the guidance of proceedings in this House, and the same, on motion, were ordered to be established.

A Commission under the Great Seal, signed by the Lieutenant Governor, having been issued, in consequence of the severe illness of His Excellency, authorizing and empowering the Honourables *Edward James Jarvis*, the Chief Justice, and *Ambrose Lane* and *Thomas Heath Haviland*, Assistant Justices of the Supreme Court, or any two of them, to give the Lieutenant Governor's assent to such Bills as had passed the Council and the House of Assembly—and a Commission under the Great Seal having also been issued, authorizing and empowering the said Commissioners to prorogue the General Assembly—the said Commissioners, in pursuance of the powers in them vested, did, by Message, require the attendance of the House of Assembly in the Council Chamber.

The House of Assembly having attended accordingly, the said Commissions were publicly read; and then the said Commissioners, in the name of the Lieutenant Governor, gave His Excellency's assent to the following Bills.

*An Act to continue Four several Acts therein mentioned.*

*An Act for the increase of the Revenue in this Island.*

*An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five.*

The Chief Justice then, on behalf of the said Commissioners, delivered the following Speech to both Houses:—

*Gentlemen of His Majesty's Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

We are commanded by His Excellency the Lieutenant Governor, in releasing you from further attendance in General Assembly, to express his pleasure that you have brought to a satisfactory conclusion the business for which he felt it his duty to call you again together.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

His Excellency further commands us to thank you for the Supplies, and to assure you, that they shall be faithfully applied to the purposes for which they are intended.

After which, the Chief Justice said—

*Gentlemen of His Majesty's Council;*

*Gentlemen of the House of Assembly;*

It is His Excellency the Lieutenant Governor's will and pleasure, that this General Assembly be prorogued until Wednesday the First day of July next; and this General Assembly is accordingly prorogued until Wednesday the First day of July next.

**End of the Second Session.**

**JOURNAL**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF  
**Prince Edward Island.**

ANNO SEXTO GULIELMI IV. REGIS.

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**THIRD SESSION OF THE FOURTEENTH GENERAL ASSEMBLY.**

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CHARLOTTE TOWN :  
PRINTED BY JAMES DOUGLAS HASZARD, PRINTER TO THE KING'S MOST  
EXCELLENT MAJESTY.

1836.

THE UNIVERSITY OF CHICAGO

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BY HIS EXCELLENCY

Sir ARETAS WILLIAM YOUNG,

Knight, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and its Dependencies, Chancellor and Vice Admiral of the same, &c. &c. &c.

A. W. YOUNG,  
Lieut. Governor.

## A PROCLAMATION.

**W**HEREAS the General Assembly of this Island stands prorogued until Wednesday the 1st day of July next :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Saturday the 15th day of August next—of which all Persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Seal of the said Island, at Charlotte Town, this 29th day of June, in the year of our Lord One thousand eight hundred and thirty-five, and in the Sixth year of His Majesty's Reign.

By His Excellency's Command,  
J. P. COLLINS, Colonial Secretary.

GOD SAVE THE KING.

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BY HIS EXCELLENCY

Sir ARETAS WILLIAM YOUNG,

Knight, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and its Dependencies, Chancellor and Vice-Admiral of the same, &c. &c. &c.

A. W. YOUNG,  
Lieut. Governor.

## A PROCLAMATION.

**W**HEREAS the General Assembly of this Island stands prorogued to Saturday the 15th day of August, instant:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Thursday the First day of October next—of which all Persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Seal of the said Island, at Charlotte Town, this 14th day of August, in the year of our Lord One thousand eight hundred and thirty-five, and in the Sixth Year of His Majesty's Reign.

By His Excellency's Command,  
J. P. COLLINS, Colonial Secretary.

GOD SAVE THE KING.



BY HIS EXCELLENCY

Sir ARETAS WILLIAM YOUNG,

Knight, Lieutenant Governor and Commander in Chief in and over His Majesty's  
Island Prince Edward, and its Dependencies, Chancellor and Vice Admiral of  
the same, &c. &c. &c.

A. W. YOUNG,  
Lieut. Governor.

## A PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Thursday the 1st day of October next:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Thursday the 12th day of November next—of which all Persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Seal of the said Island, at Charlottetown, this 29th day September, in the year of our Lord One thousand eight hundred and thirty-five, and in the Sixth year of His Majesty's Reign.

By His Excellency's Command,

J. P. COLLINS, Colonial Secretary.

GOD SAVE THE KING.

BY HIS EXCELLENCY

Sir ARETAS WILLIAM YOUNG,

Knight, Lieutenant Governor and Commander in Chief in and over His Majesty's  
Island Prince Edward, and its Dependencies, Chancellor and Vice Admiral of  
the same, &c. &c. &c.

A. W. YOUNG,  
Lieut. Governor.

## A PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Thursday the Twelfth instant:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Thursday the 31st day of December next—of which all Persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Seal of the said Island, at Charlottetown, this Seventh day of September, in the year of our Lord One thousand eight hundred and thirty-five, and in the Sixth year of His Majesty's Reign.

By His Excellency's Command,

J. P. COLLINS, Colonial Secretary.

GOD SAVE THE KING.

BY

His Honor GEORGE WRIGHT,

President and Commander in Chief in and over His Majesty's Island Prince Edward,  
and its Dependencies, Chancellor and Vice Admiral of the same,  
&c. &c. &c.

GEO. WRIGHT,  
President.

## A PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Thursday the Thirty-first instant:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Tuesday the Twenty-sixth day of January next—then to meet for the DESPATCH of PUBLIC BUSINESS,—of which all Persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Seal of the said Island, at Charlottetown, this Twenty-sixth day of December, in the year of our Lord One thousand eight hundred and thirty-five, and in the Sixth year of His Majesty's Reign.

By His Honor's Command,

J. P. COLLINS, Colonial Secretary.

**JOURNAL**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF  
**PRINCE EDWARD ISLAND.**

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**TUESDAY, 26th January, 1836.**

In pursuance of the foregoing Proclamations, the Legislative Council met.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Goodman.*

**T**HE Honorable *George Richard Goodman* having been appointed a Councillor, took his seat at the Board accordingly.

*John C. Wright*, Esquire, produced his Commission from His Honor the President, dated the 21st of January, instant, appointing him Gentleman Usher of the Black Rod.

His Honor the President having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Honor's commands to desire the immediate attendance of the House of Assembly in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Honor was pleased to open the Session with the following Speech:—

*Mr. President, and Gentlemen of His Majesty's Council:*

*Mr. Speaker, and Gentlemen of the House of Assembly:*

The lamented decease of His Excellency Lieutenant Governor Sir Aretas William Young having caused the administration of the Government of this Colony to devolve upon me, as senior Member of the Council, I have taken advantage of that period of the year when your private avocations will best admit of your absence from your homes, to convene you for the dispatch of public business.

There is nothing in the existing state of the Colony which needs any particular observations from me; its advancement is steady and progressive; and it must be gratifying to observe, that the system of Agriculture, the basis of our public wealth, is making great and visible improvements in all its branches. Under the blessing of Divine Providence, the late season has been productive of an abundant harvest, and tranquillity and contentment seem everywhere to prevail.

*Mr. Speaker, and Gentlemen of the House of Assembly:*

I shall direct the proper Officer to lay before you the Public Accounts of the Revenue and Expenditure of the past year; and, in accordance with the system adopted in the late Session, I shall cause the Estimates for the current year to be submitted to you, relying on your readiness to grant such additional supplies to His Majesty as the exigencies of the Public service may require.

*Mr. President, and Gentlemen of His Majesty's Council :*

*Mr. Speaker, and Gentlemen of the House of Assembly :*

That long desired measure, the Boundary Bill, to which His Majesty's Royal assent was communicated during the last Session of the Assembly, has been brought into active operation; and its salutary effects are already apparent, not only in ascertaining and establishing disputed Boundaries, but in confirming to the industrious settler the quiet and peaceable possession of the production of his labour. The late Lieutenant Governor took the earliest opportunity of causing that part of the Act which relates to the ascertaining and fixing the two County Lines to be carried into effect—Plans of which, together with the expenses incurred in the performance of this necessary branch of the public service, will be laid before you.

I shall communicate with you, by message, upon all subjects connected with the public interests, as occasions may arise, with the full assurance that I shall receive your ready co-operation in promoting those objects which have the welfare of the Colony in view.

The Speech being ended, His Honor was pleased to retire, and the House of Assembly having withdrawn, the *Chief Justice* reported His Honor's Speech, which being read by the Clerk;

*Resolved*, That an humble Address be presented to His Honor the President, to return His Honor the thanks of this House for his Speech delivered this day.

*Ordered*, That *Mr. Haviland* and *Mr. Goodman* be a Committee to prepare a Draft, pursuant to the above Resolution.

On motion, the Standing Orders of the House were read.

On motion, *Ordered*, that *Mr. Lane*, *Mr. Attorney General* and *Mr. Brecken* be a Committee to revise the Journals of this House each day.

On motion, *Ordered*, that *Mr. Haviland* and *Mr. Smith* be a Committee to examine into and report upon such Laws as are near expiring.

On motion, *Ordered*, that the *Rev. Louis Charles Jenkins* be requested to attend the Council to-morrow, at One o'clock, and each succeeding day during the Session, for the purpose of reading Prayers.

His Honor the President requiring the personal attendance of *J. P. Collins, Esq.*, the Clerk of the Council, *Mr. Charles Desbrisay* was appointed to act as Clerk during the present Session, and having taken the Oath of Allegiance, and also the Oath of Office, took his seat accordingly.

*Mr. Brecken* informed the House, that *Mr. Attorney General* and *Mr. Smith* had obtained leave from His Honor the President to absent themselves.

On motion, *Ordered*, that the Thirty-seventh Standing Order of this House be inserted twice in the *Royal Gazette* Newspaper, viz:

“That no Bill, Resolution or other proceeding, founded upon any application, addressed to the House of Assembly, be sustained by the Council, unless an application to the same effect, with such documents as may accompany the same, be also presented to the Council, in General Assembly.”

Adjourned until One o'clock to-morrow.

**WEDNESDAY, January 27, 1836.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Goodman.*

PRAYERS.

**READ** the proceedings of yesterday.

*Mr. Haviland*, from the Committee appointed to prepare an Address, in reply to His Honor's Speech, reported that they had prepared a Draft of the same, which is as follows, viz:

*To His Honor GEORGE WRIGHT, President and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto adjacent, Chancellor and Vice Admiral of the same, &c. &c. &c.*

*May it please Your Honor;*

We His Majesty's faithful Subjects, the Members of the Legislative Council, beg to thank your Honor for your Speech at the opening of the present Session of the General Assembly.

Amidst the deep regret which so universally prevailed, upon the lamented death of the late much esteemed Lieutenant Governor Sir Aretas William Young, it was matter of consolation to reflect, that the important duties connected with the administration of the Government had devolved upon an individual of your Honor's local knowledge and long and tried experience; and we thank you for your attention to the public convenience, in convening us at a period when our private avocations will best enable us to give our attention to the public service.

The obvious and progressive advancement of the Colony in its general welfare, and which the improved system of Agriculture introduced within the last few years, has had considerable influence in promoting, must be gratifying to all who feel an interest in its prosperity.

We have to express our humble gratitude to the beneficent Author of all good, for the late abundant harvest, and for that tranquillity and contentment which so happily prevail.

It is most satisfactory to learn, that the Act "for ascertaining and establishing Boundaries" has been brought into active operation, and that its effects have already proved its utility, particularly as regards the interest of the industrious settler, who is thus secured in the permanent enjoyment of his hard earned location. We know of no measure better calculated to confer a lasting benefit upon the Colony than the operation of this important Act; and we have only to express our regret that the Colony had not, at an earlier period of its settlement, been possessed of the advantage of so salutary an enactment. The authority for ascertaining and fixing the Boundaries of the several Counties, is one of the many useful provisions which this Act embodies; and we are gratified to find that this part of the Act has been duly complied with.

Due and respectful consideration shall at all times be given to such matters, connected with the Public interest, as your Honor may deem it advisable to communicate to us; and you may with confidence rely upon our ready co-operation in promoting all measures which have for their object the welfare of the Colony.

Which Address, being read by the Clerk, was agreed to by the House, and ordered to be engrossed.

**Ordered,** That the said Address be presented to His Honor the President by the whole House.

**A Message from the House of Assembly, by Mr. Pope.**

In the House of Assembly,  
January 27, 1836.

**Resolved,** That a Committee of three Members be appointed, to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

**Ordered,** That Mr. Pope, Mr. Palmer and Mr. Macdonald do compose the said Committee,

**Ordered,** That the said Resolution be communicated to the Legislative Council.

**Resolved,** That a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

**Ordered,** That Mr. Haviland and Mr. Attorney General do compose the said Committee.

**Ordered,** That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, it was **Ordered,** that a Committee, consisting of Mr. Haviland and Mr. Goodman, do wait upon His Honor the President, to know at what time His Honor will be pleased to receive the Address of this House.

Mr. Haviland, from the Committee appointed to wait upon His Honor the President, to know at what time His Honor will be pleased to receive the Address of this House, reported, that they had waited upon His Honor accordingly, and that His Honor had appointed One o'clock to-morrow, to receive the same.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, January 28, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Goodman.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

The Council adjourned to wait upon His Honor the President with their Address.

The Council being again met, the *Chief Justice* reported, that the House had presented their Address, and that His Honor the President had been pleased to return the following Answer, viz:

*Mr. President, and Gentlemen of His Majesty's Council:*

Accept my sincere thanks for your Address. The assurance which it conveys, that I shall receive your ready co-operation in all measures tending to the welfare of the Colony, cannot fail to afford me the greatest satisfaction.

**MR. Goodman** moved for leave to present a Petition from certain Inhabitants of Princetown and Royalty, setting forth—That they have seen and are satisfied with the Bill published in the *Royal Gazette*, as passed by the House of Assembly last Session, authorizing the closing of a certain Road within the Royalty of Princetown, and praying this House to pass the said Bill under consideration.

Leave being granted, the said Petition was received and read.

*Ordered*, That the said Petition do lie on the Table.

**Mr. Goodman** gave notice that he would, to-morrow, move for leave to bring in a Bill in accordance with the prayer of the said Petition.

Adjourned until One o'clock to-morrow.

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## FRIDAY, January 29, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr Brecken,*  
*Mr. Goodman.*

### PRAYERS

**READ** the proceedings of yesterday.

In pursuance of notice given, **Mr. Goodman** moved for leave to bring in a Bill to authorize the closing of a certain Road within the Royalty of Princetown.

Leave being granted, the said Bill was brought in and read a first time.

Adjourned until One o'clock to-morrow.

**SATURDAY, January 30, 1836.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Goodman.*

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock on Monday next.

**MONDAY, February 1, 1836.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Goodman.*

**PRAYERS.**

**A** MESSAGE from the House of Assembly, by Mr. Pope, with a Bill intituled "An Act to continue for a limited period an Act passed in the First year of the Reign of His present Majesty, intituled *An Act to establish a Reward for the destruction of Bears and Loupcerviers*," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

A Message from His Honor the President, by Mr. Secretary Collins, viz:

**GEORGE WRIGHT**, President.

The President lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, dated the 8th October last, inclosing an Order of His Majesty in Council, allowing an Act

passed by the Legislature in the year 1833, intituled "An Act to enable the several Congregations of the Church of England in this Island to choose Church Wardens and Vestries, and for incorporating the same, and to repeal the former Act for appointing Vestries."

Charlottetown, 1st February, 1836.

No. 11.

Downing Street, 8th October, 1835.

SIR,

An Act passed by the Legislature of Prince Edward Island, in the month of April, 1833, and received at this Department on the 14th of October, of the same year, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to His Majesty their opinion that this Act should be left to its operation: And I have the honor herewith to transmit to you an Order of His Majesty in Council, bearing date the 30th ultimo, approving that Report.

I have, &c.

(Signed)

GLENELG.

Lieut. Governor Sir A. W. Young.

AT THE COURT AT ST. JAMES'S, THE 30th SEPTEMBER, 1835.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY.

Viscount Palmerston,

Lord Glenelg,

Viscount Melbourne,

Sir John Hobhouse,

Lord Holland,

Mr. Chancellor of the Exchequer.

Lord Hill,

Whereas the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the months of March and April, 1833, pass an Act, which hath been transmitted, intituled as follows, viz:

No. 366.—*An Act to enable the several Congregations of the Church of England in this Island to choose Church Wardens and Vestries, and for incorporating the same, and to repeal the former Act for appointing Vestries.*

And whereas the said Act hath been referred to the Committee of the Lords of His Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to His Majesty, that the said Act should be left to its operation; His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to approve the said Report: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of His Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

W. L. BATHURST.

**Ordered,** That the said Documents do lie on the Table.

Adjourned until One o'clock to-morrow.



## TUESDAY, February 2, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Goodman.*

PRAYERS.

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Thornton, with a Bill intituled "An Act to amend the Act for the Summary Trial of Common Assaults and Batteries"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o'clock to-morrow.

## WEDNESDAY, February 3, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Goodman.*

PRAYERS.

**READ** the proceedings of yesterday.

Adjourned until One o'clock to-morrow.

**THURSDAY, February 4, 1836.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

**PRAYERS.**

**A** MESSAGE from the House of Assembly, by Mr. Pope, with a Bill intituled “ An Act to provide for the services of the Speaker of the House of Assembly, and for defraying the expenses and Travelling charges of the members of the said House, attending in General Assembly”—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the Bill intituled “ An Act to authorize the closing of a certain Road within the Royalty of Princetown”, was read a second time.

Read a second time, the Bill intituled “ An Act to continue for a limited period an Act passed in the First year of the Reign of His present Majesty, intituled *An Act to establish a Reward for the destruction of Bears and Loupcerviers.*”

Adjourned until One o'clock to-morrow.

**FRIDAY, February 5, 1836.**

The following Members of Council met, pursuant to adjournment:

The Honorables { *Mr. Lane,*  
*Mr. Attorney General,*  
*Mr. Smith,*  
*Mr. Goodman.*

**T**HE President being unable to attend, on account of the state of the weather, the Council could not proceed to business.

Adjourned until One o'clock to-morrow.

## SATURDAY, February 6, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jartis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

### PRAYERS.

**READ** a third time, and passed, the Bill intituled "An Act to continue for a limited period an Act passed in the First year of the Reign of His present Majesty, intituled *An Act to establish a Reward for the destruction of Bears and Loupcerviers.*"

*Ordered*, That the said Bill be sent down to the House of Assembly.

On motion, the House went into the consideration of the Bill intituled "An Act to authorize the closing of a certain Road within the Royalty of Princetown," and agreed to the same.

*Ordered*, That the said Bill be engrossed.

On motion, the Bill intituled "An Act to amend the Act for the summary Trial of Common Assaults and Batteries," was read a second time.

*Ordered*, That the said Bill be committed to *Mr. Haviland* and *Mr. Brecken*, to report thereupon.

*Mr. Smith*, from the Committee appointed to examine into and report upon such Laws as are near expiring, reported as follows, viz:

An Act, 1 Will. 4, cap. 14, intituled "An Act to establish a reward for the destruction of Bears and Loupcerviers," will expire on the 12th day of May next.

An Act, 3 Will. 4, cap. 3, to revive and continue an Act of 5 Geo. 4, cap. 15, intituled "An Act to prevent the running at large of Sheep in the Town of Charlottetown," will expire on the 6th day of April next.

So much of the Act, 3 Will. 4, cap. 12, intituled "An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties; and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the Trial of Issues, for a limited period," as relates to making Michaelmas Term an issuable Term, did expire with the conclusion of the last Michaelmas Term of the said Court.

An Act, 5 Will. 4, cap. 2 (Second Session), intituled "An Act for the increase of the Revenue in this Island," will expire the 6th day of May next.

*Ordered*, That the said Report do lie on the Table.

*Mr. Brecken* gave notice, that he would, on Monday next, move that the Thirty-fifth Standing Order of this House be rescinded.

Adjourned until One o'clock on Monday next.

**MONDAY, February 8, 1836.**

The Council met, pursuant to adjournment.

**PRESENT:**

**The Honorable Chief Justice Jarvis, President;**

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

**PRAYERS.**

**READ** the proceedings of Saturday.

*Mr. Haviland* moved for leave to present a Petition from certain Inhabitants of Princetown Royalty, and parts adjacent, praying that this House will withhold its assent to the Bill passed by the House of Assembly, in its last Session, authorizing the closing of a certain Road within the Royalty of Princetown.

Leave being granted, the said Petition was received and read.

*Ordered,* That the said Petition do lie on the Table.

*Mr. Goodman* moved for leave to present a Petition from certain Inhabitants residing in Settlements adjacent to Princetown Royalty, praying this House to pass the Bill published in the *Royal Gazette*, as passed by the House of Assembly in its last Session, for authorizing the closing of a certain Road within the said Royalty.

Leave being granted, the said Petition was received and read.

*Ordered,* That the said Petition do lie on the Table.

*Mr. Brecken*, in pursuance of notice given, moves that the Thirty-fifth Standing Order of this House be rescinded—which being seconded, and the question being put:

*Ordered,* That the further consideration thereof be made the Order of the Day for Wednesday next, and that, in the meantime, the Members of this House be summoned, agreeably to the Twenty-fourth Standing Order of this House.

**Adjourned until One o'clock to-morrow.**

## TUESDAY, February 9, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

|                |   |                              |
|----------------|---|------------------------------|
| The Honorables | { | <i>Mr. Lane,</i>             |
|                |   | <i>Mr. Haviland,</i>         |
|                |   | <i>Mr. Attorney General,</i> |
|                |   | <i>Mr. Brecken,</i>          |
|                |   | <i>Mr. Smith,</i>            |
|                |   | <i>Mr. Goodman.</i>          |

### PRAYERS.

**READ** the proceedings of yesterday.

On motion, Ordered, that a Conference be desired with the House of Assembly, on the propriety of addressing His Majesty on the subject of the alleged intention of His Majesty's Government to increase the Duties on the North American Colonial Timber.

Ordered, That *Mr. Attorney General* and *Mr. Goodman* be a Committee to manage such Conference, to meet in the Committee Room on Thursday next, at Two o'clock.

Adjourned until One o'clock to-morrow.

## WEDNESDAY, February 10, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

|                |   |                              |
|----------------|---|------------------------------|
| The Honorables | { | <i>Mr. Lane,</i>             |
|                |   | <i>Mr. Haviland,</i>         |
|                |   | <i>Mr. Attorney General,</i> |
|                |   | <i>Mr. Brecken,</i>          |
|                |   | <i>Mr. Smith,</i>            |
|                |   | <i>Mr. Goodman.</i>          |

### PRAYERS.

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by *Mr. Thornton*.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the expediency of addressing His Majesty on the subject of the alleged intention

of His Majesty's Government of proposing an alteration in the Duties affecting the North American Timber Trade; and have appointed Mr. Binns, Mr. Thornton, Mr. MacDonald and Mr. M'Callum a Committee to manage the said Conference.

The Order of the Day having been read, the House went into the consideration thereof; and the question being put, it passed in the affirmative.

The Acting Surveyor General, by command of His Honor the President, laid before the House Plans of the two County Lines, as established under the Act of 4 Will. 4, c. 15.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, February 11, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

|                |   |                              |
|----------------|---|------------------------------|
| The Honorables | { | <i>Mr. Lane,</i>             |
|                |   | <i>Mr. Haviland,</i>         |
|                |   | <i>Mr. Attorney General,</i> |
|                |   | <i>Mr. Brecken,</i>          |
|                |   | <i>Mr. Smith,</i>            |
|                |   | <i>Mr. Goodman.</i>          |

PRAYERS.

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Douse, with a Bill intituled "An Act to prevent Persons indecently bathing in the Waters contiguous to Charlottetown"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

The Committee appointed to meet the Committee of the House of Assembly, on the expediency of addressing His Majesty on the proposed increase of Duties on North American Colonial Timber, having gone to the Conference, and returned, reported the substance thereof.

A Message from the House of Assembly, by Mr. Thornton.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference; and have appointed the same Committee who managed the former Conference, a Committee to manage this further Conference.

*Ordered*, That a further Conference be agreed to, as desired by the House of Assembly; and that the same Committee who managed the former Conference do manage this—to meet in the Committee Room instant.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported, that the House of Assembly do agree to join this House in an Address to His Majesty, relative to the Timber Duties.

On motion, Ordered, That *Mr. Attorney General*, *Mr. Smith* and *Mr. Goodman* be a Committee to join a Committee of the House of Assembly in preparing the said Address.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, Ordered, that *Mr. Haviland* and *Mr. Attorney General* be a Committee to prepare and bring in a Bill, to amend the Act for the Relief of Insolvent Debtors, pursuant to a Resolution of this House last Session.

*Mr. Lane*, from the Committee appointed for the purpose of carrying into effect certain repairs, alterations and improvements in the Council Chamber, reported as follows, viz:—

That in the course of the last Summer they caused Estimates to be made of the probable expense likely to be incurred in the various repairs, alterations and improvements required; and they finally contracted with *William Butcher*, for the Carpenters' Work necessary, and with *George Chudleigh*, for the Plasterers' Work. That they forwarded orders to Halifax for two Franklin Stoves, Fire Irons, Fenders, and a copper Coal Scuttle; also, for a quantity of Moreen necessary for Curtains, for Carpeting, and for Hearth Rugs. They further submit, that *William Butcher* completed his Contract, and that the amount of his Account is £43 13s. 8d.; that *George Chudleigh* duly performed his part of the work, and that his Account amounts to £39 13s. 4d.; that the articles ordered from Halifax have been supplied, and that they amount, per Accounts annexed, to £41 19s. 7d. Halifax currency. That they employed *Martin Dogherty* to make and fix the Curtains and Carpet, to furnish and fix in their places Holland Window Blinds, Curtain Pins, &c. and that *Mr. Dogherty's* Bill amounts to £11 8s. 5½d.

That Warrants have been ordered for the amounts due to Messrs. *Butcher* and *Chudleigh*, and that there still remains due and unpaid the sum of £61 16s., allowing Twenty per cent., being the current premium, on the accounts payable in Halifax.

In conclusion, the Committee beg to state, that they have executed the task assigned them to the best of their skill and ability, and endeavoured to meet the wishes of this Honorable Board, as far as circumstances would admit of.

Ordered, That the said Report be received, and do lie on the Table.

Adjourned until One o'clock to-morrow.

**FRIDAY, February 12, 1836.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

**PRAYERS.**

**READ** the proceedings of yesterday.

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, February 13, 1836.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

**PRAYERS.**

**ON** motion, Ordered, that the Plans shewing the Division Lines of the Counties in this Island be returned to the Acting Surveyor General.

On motion, the Bill intituled "An Act to prevent Persons indecently Bathing in the Waters contiguous to Charlottetown," was read a second time.

A Message from the House of Assembly, by Mr. Palmer, with a Bill intituled "An Act to prevent the running at large of Sheep in the Town of Charlottetown," to which they desire the concurrence of the Legislative Council.



Also, with the following written Message:—

Mr. President,

The House of Assembly have appointed Mr. Pope, Mr. Binns, Mr. Thornton, Mr. Macdonald, Mr. Green and Mr. Ramsay a Committee to join a Committee of the Legislative Council, in preparing a Joint Address to His Majesty, on the subject of the alleged intention of His Majesty's Government to propose an alteration in the Duties affecting the North American Timber Trade—to meet and adjourn as they shall see fit.

The Bill intituled "An Act to prevent the running at large of Sheep in the Town of Charlottetown," was read the first time.

Adjourned until One o'clock on Monday next.

## MONDAY, February 15, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

|                |   |                              |
|----------------|---|------------------------------|
| The Honorables | { | <i>Mr. Lane,</i>             |
|                |   | <i>Mr. Haviland,</i>         |
|                |   | <i>Mr. Attorney General,</i> |
|                |   | <i>Mr. Brecken,</i>          |
|                |   | <i>Mr. Smith,</i>            |
|                |   | <i>Mr. Goodman.</i>          |

PRAYERS.

**R**EAD the proceedings of Saturday.

Adjourned until Twelve o'clock to-morrow.

## TUESDAY, February 16, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

|                |   |                              |
|----------------|---|------------------------------|
| The Honorables | { | <i>Mr. Lane,</i>             |
|                |   | <i>Mr. Haviland,</i>         |
|                |   | <i>Mr. Attorney General,</i> |
|                |   | <i>Mr. Brecken,</i>          |
|                |   | <i>Mr. Smith,</i>            |
|                |   | <i>Mr. Goodman.</i>          |

PRAYERS.

Adjourned until One o'clock to-morrow.

**WEDNESDAY, February 17, 1836.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD a third time and passed the Bill intituled "An Act to authorize the closing of a certain Road within the Royalty of Princetown."

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

On motion, the Bill intituled "An Act to provide for the Services of the Speaker of the House of Assembly, and for defraying the expenses and travelling charges of the Members of the said House, attending in General Assembly, was read a second time.

On motion, that the House do now adjourn, the question being put, it passed in the negative.

On motion, the Bill intituled "An Act to prevent the running at large of Sheep in the Town of Charlottetown," was read a second time.

*Ordered*, That the said Bill be committed to *Mr. Goodman*, to report thereupon.

On motion, *Ordered*, that the Bill intituled "An Act to prevent Persons indecently Bathing in the Waters contiguous to Charlottetown," be committed to *Mr. Brecken*, to report thereupon.

Adjourned until Twelve o'clock to-morrow.

**THURSDAY, February 18, 1836.**

The following Members of Council met, pursuant to adjournment, viz:

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

**T**HE President being unable to attend, owing to the state of the weather, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, February 19, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of Wednesday.

A Message from the House of Assembly, by Mr. Douse, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act to authorize the Sale of a Building heretofore used as an Episcopal Church in Charlottetown."

A Bill intituled "An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly."

Also, with the following written Message:—

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject of the Public Accounts, and have appointed Mr. Thornton, Mr. Palmer, Mr. Macdonald and Mr. Green a Committee to manage the said Conference.

On motion; Ordered, That this House do agree to a Conference, as is desired by the House of Assembly, on the Public Accounts.

Ordered, That Mr. Lane and Mr. Brecken be a Committee to manage the same—to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

Mr. Attorney General, from the Committee appointed to join the Committee of the House of Assembly in preparing an Address to His Majesty, deprecating any alteration in the Duties affecting the North American Colonial Timber Trade, reported the Draft of an Address, as agreed to by the Committee of both Houses, which was read by the Clerk, and is as follows, viz:

### TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Petition of Your Majesty's Legislative Council and House of Assembly of Prince Edward Island, in General Assembly convened.

"May it please Your Majesty:

The Council and Assembly of Your Majesty's loyal Island of Prince Edward have just cause to fear that, from the Report of a Committee of the House of Commons, made in the last Session of the Imperial Par-

liament, Your Majesty's Ministers may be induced to recommend an alteration in the existing scale of protecting duties payable upon the Importation into Great Britain and Ireland, of Timber and Deals, the growth and produce of Your Majesty's North American Colonies, wherein it is contemplated to afford to the Foreign manufacturer advantages ruinous to the Timber trade of these Colonies—a trade which has become so vitally interwoven, either directly or indirectly, with their growing prosperity, that any interference in the present system which shall tend to give further encouragement to the importation into the United Kingdom of Timber from the North of Europe, cannot fail to prove most disastrous to their existing and future welfare; and as regards the anticipated consequences of such a measure to the interests of Prince Edward Island in particular, we humbly crave leave to lay the following representation at the foot of the Throne:

We gratefully acknowledge the bounty of nature in the distribution of her gifts to this favored Colony: over and above its productions of Ton Timber, its forests abound with a description of hardwood, the adaptation of which to the construction of vessels is not to be exceeded in any other British Colony in North America; and its soil is exceedingly well calculated for producing the necessary supplies for carrying on this important branch of our Colonial trade, and for all the purposes of agriculture.

The manufacture of Ton Timber and Deals, the latter of which is annually engrossing the attention of an increased number of enterprising individuals, gives ready employment to the new settler, and enables him to subsist his family until the soil becomes capable of yielding a return for his labor; whilst the outward bound vessels required for its conveyance to the mother country, afford facilities to emigration which no other means could possibly compass.

Ship building is also carried on to a considerable extent; and owing to the readiness with which timber freights can be obtained, and the profits arising therefrom, Vessels form the principal article of export to the United Kingdom, in payment of those necessary supplies of home manufacture which are indispensable to a new Colony. The agricultural productions of this Colony already greatly exceed the wants of its inhabitants, and the principal and almost only markets for its surplus produce are at present found in those extensive Timber establishments which are formed along the shores of the Gulf of St. Lawrence, stretching from Wallace, in Nova Scotia, to the district of Gaspé, in the Province of Lower Canada, particularly Richibucto, Miramichi and the Bay of Chaleur, where the pursuits of Agriculture being but little regarded, their principal consumption has been hitherto drawn from the resources of this Colony.

As any alteration in the present system of protection to North American Colonial Timber would necessarily tend to the total annihilation of the trade, this Colony, in common with the other British North American Provinces, would lose the benefit of emigration; the improvement of its wilderness land would be consequently suspended; it would be deprived of the means of paying for British manufactures, the importation of which must necessarily cease, and its surplus agricultural produce would no longer find a remunerating market.

The Council and Assembly therefore humbly implore your Majesty, that you will graciously grant your royal interposition to prevent any alteration in the existing scale of protecting duty upon Wood, the produce of Your Majesty's North American possessions, and thereby avert a measure so fraught with injury to the interests of Your Majesty's North American Colonies in general, and this Island in particular: And as in duty bound they will every pray, &c.

*Ordered*, That the said Address be agreed to, and that the same be engrossed.

Mr. *Goodman*, to whom was committed the Bill intituled "An Act to prevent the running at large of Sheep in the Town of Charlottetown," reported the same.

*Ordered*, That the said Report be received.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Mr. *Lane* moved for leave to present a Petition from Donald Macdonald, praying, for the reasons therein stated, that the House would pass a Bill to dissolve the Marriage between him and his wife, Anna Matilda Macdonald.

Leave being granted, the said Petition was received and read.

*Ordered*, That the said Petition do lie on the Table, and that the Clerk do furnish a copy thereof to the said Anna Matilda Macdonald.

Read a first time, the following Bills, viz:—

A Bill intituled “An Act to authorize the Sale of a Building heretofore used as an Episcopal Church in Charlottetown.”

A Bill intituled “An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly.”

Mr. *Haviland*, from the Committee appointed to prepare and bring in a Bill to amend the Act for the relief of Insolvent Debtors, presented the Draft of a Bill, to be intituled “An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for the relief of Insolvent Debtors*, and to make other provisions in lieu thereof.”

Read the said Bill a first time.

Mr. *Haviland*, from the Committee to whom was committed the Bill intituled “An Act to amend the Act for the summary Trial of Common Assaults and Batteries,” reported the same.

*Ordered*, That the said Report be received.

Mr. *Brecken* gives notice, that he will, to-morrow, move for leave to bring in a Bill relating to the office of Administrator of the Government for the time being.

Mr. *Brecken*, to whom was committed the Bill intituled “An Act to prevent Persons indecently Bathing in the Waters contiguous to Charlottetown,” reported the same.

*Ordered*, That the said Report be received.

On motion, *Ordered*, that the consideration of the said Bill do stand as the Order of the Day for to-morrow.

Mr. *Lane* moved for leave to present a Petition from certain Inhabitants of Charlottetown and Royalty, stating that they have learned with surprise that the House of Assembly have it in contemplation to pass a Bill imposing a Tax on Dogs, and praying that this House will withhold its assent to the said Bill.

Leave being granted, the said Petition was received and read.

*Ordered*, That the said Petition do lie on the Table.

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, February 20, 1836.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

**PRAYERS.**

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Clark.

In the House of Assembly,  
 Saturday, 20th February, 1836. }

Ordered, That a Message be sent to the Legislative Council, to request that the Petitions or other Documents, upon which is founded the Bill intituled "An Act to authorize the closing of a certain Road within the Royalty of Princetown," be communicated to this House.

By the House,

WILL. CULLEN, Clerk.

On motion, Resolved, that the Petitions upon which is founded the Bill intituled "An Act to authorize the closing of a certain Road within the Royalty of Princetown," be communicated by Message to the House of Assembly.

*Ordered*, That the Clerk do carry the said Message to the House of Assembly.

Read, as engrossed, the Joint Address of both Houses to His Majesty, praying that no alteration may be made in the present system of protecting Duties on North American Colonial Timber.

On motion, Ordered, That Mr. *Attorney General* and Mr. *Goodman* be a Committee to join a Committee of the House of Assembly, to prepare an Address to His Honor the President, praying that he will be pleased to transmit the Joint Address to His Majesty.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

The *Attorney General* moved for leave to present a Petition from certain Owners of Property in Georgetown, praying that this House will sanction a Bill which may be passed by the House of Assembly, authorizing an Assessment to be levied on all granted or occupied Town and Water Lots in Georgetown, to be applied towards making and keeping in repair the Pumps and Wells in said Town.

Leave being granted, the said Petition was received and read.

*Ordered*, That the said Petition do lie on the Table.

In pursuance of notice given, Mr. *Brecken* moved for leave to bring in a Bill relating to the office of Administrator of the Government for the time being.

Leave being granted, the said Bill was brought in and read a first time.

On motion, the said Bill was read a second time.

The first Order of the Day having been read, the House went into the consideration of the Bill intituled "An Act to prevent Persons indecently Bathing in the Waters contiguous to Charlottetown."

On motion, Ordered, that a Conference be desired with the House of Assembly on the said Bill.

*Ordered*, That Mr. *Brecken* and Mr. *Goodman* be a Committee to manage the same—to meet in the Committee Room instanter.

The second Order of the Day having been read, the House went into the consideration of the Bill intituled "An Act to amend the Act for the summary Trial of Common Assaults and Batteries."

On motion, Ordered, that a Conference be desired with the House of Assembly on the said Bill.

*Ordered*, That Mr. *Haviland* and Mr. *Smith* be a Committee to manage the same—to meet in the Committee Room this day, at Three o'clock.

Three Messages from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled "An Act to prevent Persons indecently Bathing in the Waters contiguous to Charlottetown," and have appointed Mr. Palmer, Mr. Thornton, Mr. Green and Mr. Macdonald a Committee to manage the same.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled "An Act to amend the Act for the summary Trial of Common Assaults and Batteries," and have appointed Mr. Thornton, Mr. Cooper, Mr. Palmer and Mr. M'Nutt a Committee to manage the same.

In the House of Assembly,  
Friday, February 20, 1836. }

**Resolved**, That a Committee of four Members be appointed, to join a Committee of the Council, to prepare an Address to His Honor the President, requesting that he will be pleased to transmit to His Majesty the Joint Address of both Houses, on the subject of the Duties upon Foreign Timber imported into the Mother Country.

*Ordered*, That Mr. Binns, Mr. Green, Mr. Thornton and Mr. Palmer do compose the said Committee.

WILL. CULLEN, Clerk.

The Committee appointed to meet the Committee of the House of Assembly on the Bill intituled "An Act to prevent Persons indecently bathing in the Waters contiguous to Charlottetown," having gone to the Conference, and returned, reported, that they had complied with the instructions given them by this House.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled "An Act to amend the Act for the summary Trial of Common Assaults and

Batteries," having gone to the Conference, and returned, reported, that they had complied with the instructions given them by this House.

The *Attorney General* reported the following Address to His Honor the President, as agreed to by the Joint Committee of both Houses:—

*To His Honor GEORGE WRIGHT, President and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto adjacent, Chancellor and Vice Admiral of the same, &c. &c. &c.*

The Joint Address of the Legislative Council and House of Assembly of Prince Edward Island.

*May it please Your Honor :*

The Legislative Council and House of Assembly having agreed to a Joint Address to His Majesty, praying that no alteration may be made in the present system of protecting Duties on North American Colonial Timber, request that your Honor will be pleased to transmit the same with as little delay as possible.

On motion, the said Address was agreed to, and ordered to be engrossed.

On motion, the Bill intituled "An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for the relief of Insolvent Debtors*, and to make other provisions in lieu thereof," was read a second time.

On motion, Ordered, that the said Bill stand for consideration on Monday next.

Adjourned until Twelve o'clock on Monday next.

## MONDAY, February 22, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of Saturday.

On motion, Ordered, that *Mr. Attorney General* and *Mr. Goodman* be a Committee to join a Committee of the House of Assembly, to wait upon His Honor the President with the Joint Address of the Council and Assembly to His Majesty, on the subject of the Duties upon Foreign Timber imported into the Mother Country.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.



A Message from the House of Assembly, by Mr. Thornton.

Mr. President,

The House of Assembly have appointed Mr. Thornton, Mr. Green, Mr. Nelson and Mr. M'Callum a Committee to join the Committee of the Council, to wait upon His Honor the President with the Joint Address of the Council and Assembly, on the subject of the Duties upon Foreign Timber imported into the Mother Country.

Mr. *Attorney General*, from the Committee appointed to join the Committee of the House of Assembly, to wait upon His Honor the President with the Joint Address to His Majesty, reported, that the Joint Committee had waited upon His Honor accordingly, and that His Honor was pleased to say, he would take the earliest opportunity of transmitting the same.

Mr. *Attorney General* moved for leave to present a Petition from James Campbell, of Charlottetown, Pilot, setting forth the grievances and disadvantages which he and other Pilots labor under, in consequence of the indefinite tenor of the Act relating to Pilots; and praying this House to take the same into consideration.

Leave being granted, the said Petition was received and read.

*Ordered*, That the said Petition do lie on the Table.

On motion, the Bill intituled "An Act to authorize the Sale of a Building heretofore used as an Episcopal Church in Charlottetown," was read a second time.

The Order of the Day having been read, the House went into the consideration of the Bill intituled "An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for the relief of Insolvent Debtors*, and to make other provisions in lieu thereof," and agreed to the same.

*Ordered*, That the said Bill be engrossed.

Adjourned until Twelve o'clock to-morrow.

## TUESDAY, February 23, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Haviland* informed the House that indisposition prevented Mr. *Brecken* from attending in his place.

*Ordered*, That Mr. *Brecken's* excuse be received.

Read a second time, the Bill intituled "An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly."

*Ordered*, That the said Bill be committed to Mr. *Haviland*, to report thereupon.

A Message from the House of Assembly, by Mr. M'Nutt, with a Bill intituled "An Act to authorize the closing of a certain Road within the Royalty of Princetown," agreed to, without any amendment.

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, February 24, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Haviland* informed the House that indisposition prevented Mr. *Brecken* from attending in his place.

*Ordered*, That Mr. *Brecken's* excuse be received.

Mr. *Attorney General* moved for leave to bring in a Bill concerning the Registration of the original Grants or Patents of Lots or Townships of Land in this Island.

Leave being granted, the said Bill was brought in and read a first time.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, February 25, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Smith,*  
*Mr. Goodman.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

*Mr. Haviland* informed the House that indisposition prevented *Mr. Brecken* from attending in his place.

*Ordered*, That *Mr. Brecken's* excuse be received.

Read a third time, and passed, the Bill intituled "An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for the relief of Insolvent Debtors*, and to make other provisions in lieu thereof."

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

On motion, the House went into the consideration of the Bill intituled "An Act to authorize the Sale of a Building heretofore used as an Episcopal Church in Charlotte-town," and agreed to the same.

A Message from the House of Assembly, by *Mr. Thornton*.

*Mr. President*,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference; and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

*Ordered*, That a further Conference be agreed to, as is desired by the House of Assembly; and that the same Committee who managed the last Conference be a Committee to manage this further Conference—to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

Read a third time, and passed, the Bill intituled "An Act to amend the Act for the summary Trial of Common Assaults and Batteries."

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Read a second time, the Bill concerning the Registration of certain original Grants or Patents of Lots or Townships of Land in this Island.

On motion, the House went into the consideration of the said Bill, and agreed to the same.

*Ordered*, That the said Bill be engrossed.

Adjourned until Twelve o'clock to-morrow.

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## FRIDAY, February 26, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Smith,*  
*Mr. Goodman.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

*Mr. Haviland* informed the House that indisposition prevented *Mr. Brecken* from attending in his place.

*Ordered*, That *Mr. Brecken's* excuse be received.

Read a third time, and passed, the Bill intituled "An Act concerning the Registration of certain original Grants or Patents of Lots or Townships of Land in this Island."

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

On motion, the House went into the consideration of the Bill relating to the office of Administrator of the Government for the time being, and agreed to the same.

*Ordered*, That the said Bill be engrossed.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

A Message from the House of Assembly, by *Mr. Palmer*, with a Bill intituled "An Act for making Process in the Court of Chancery effectual against Persons who have left this Island, or who reside elsewhere, and to regulate the practice of the said Court in other matters therein mentioned," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Read a third time, and passed, the Bill intituled "An Act to authorize the Sale of a Building heretofore used as an Episcopal Church in Charlottetown."

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until Twelve o'clock to-morrow.

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## SATURDAY, February 27, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Smith,*  
*Mr. Goodman.*

### PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Haviland* informed the House that indisposition prevented Mr. *Brecken* from attending in his place.

*Ordered*, That Mr. *Brecken's* excuse be received.

Mr. *Goodman* gave notice that he would, on Monday next, move for leave to bring in a Bill to amend an Act intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned."

Adjourned until Twelve o'clock on Monday next.

**MONDAY, February 29, 1836.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of Saturday.

Mr. *Brecken* informed the House that indisposition prevented Mr. *Attorney General* from attending in his place.

*Ordered*, That Mr. *Attorney General's* excuse be received.

A Message from the House of Assembly, by Mr. Le Lacheur, with a Bill intituled "An Act to consolidate and amend the Election Laws," to which they desire the concurrence of the Legislative Council.

Mr. *Goodman*, pursuant to notice given, moved for leave to bring in a Bill to amend an Act intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned."

Leave being granted, the said Bill was brought in and read a first time.

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, March 1, 1836.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Smith* informed the House that indisposition prevented Mr. *Attorney General* from attending in his place.

*Ordered*, That *Mr. Attorney General's* excuse be received.

Read a first time, the Bill intituled "An Act to consolidate and amend the Election Laws."

A Message from the House of Assembly, by Mr. Pope, with the following Bills, agreed to, without any amendment, viz:

A Bill intituled "An Act relating to the office of Administrator of the Government for the time being."

A Bill intituled "An Act concerning the Registration of certain original Grants or Patents of Lots or Townships of Land in this Island."

Also, with the following written Message:—

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled "An Act to prevent Persons indecently Bathing in the Waters contiguous to Charlottetown;" and have appointed the same Committee who managed the former Conference a Committee to manage this further Conference.

*Ordered*, That this House do agree to a further Conference, as is desired by the House of Assembly; and that the same Committee who managed the former Conference do manage this further Conference—to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

Read a third time, and passed, the Bill intituled "An Act to prevent Persons indecently Bathing in the Waters contiguous to Charlottetown."

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, March 2, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables {  
*Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until Twelve o'clock to-morrow.

**THURSDAY, March 3, 1836.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

**PRAYERS.**

**A** MESSAGE from the House of Assembly, by Mr. Palmer, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act to improve the administration of Justice in Criminal cases."

A Bill intituled "An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies."

Also, a Bill intituled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them."

Mr. *Haviland*, to whom was committed the Bill intituled "An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly," reported the same.

*Ordered*, That the said Report be received.

On motion, the House went into the consideration of the said Bill.

On motion, *Ordered*, that a Conference be desired with the House of Assembly on the said Bill, and that Mr. *Haviland* and Mr. *Attorney General* be a Committee to manage the same—to meet in the Committee Room instanter.

Read a second time, the Bill intituled "An Act to consolidate and amend the Election Laws."

*Ordered*, That the said Bill be committed to Mr. *Brecken*, to report thereupon.

Read a second time, the Bill intituled "An Act for making Process in the Court of Chancery effectual against Persons who have left this Island, or who reside elsewhere, and to regulate the practice of the said Court in other matters therein mentioned."

*Ordered*, That the said Bill be committed to Mr. *Lane*, to report thereupon.

Read a first time, the Bill intituled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them."

A Message from the House of Assembly, by Mr. Douse.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled "An Act to regulate the manner of proceeding upon contested



Elections of Members to serve in the General Assembly," and have appointed Mr. Douse, Mr. Thornton, Mr. Macdonald and Mr. Green a Committee to manage the same.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

On motion, the House went into the consideration of the Bill intituled "An Act to provide for the Services of the Speaker of the House of Assembly, and for defraying the expenses and travelling charges of the Members of the said House, attending in General Assembly."

On motion, Ordered, that a Conference be desired with the House of Assembly on the said Bill.

Ordered, That Mr. Lane and Mr. Smith be a Committee to manage the same—to meet in the Committee Room instant.

A Message from the House of Assembly, by Mr. Pope.

Mr. President,

The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the Bill intituled "An Act to provide for the Services of the Speaker of the House of Assembly, and for defraying the expenses and travelling charges of the Members of the said House, attending in General Assembly," and have appointed Mr. Pope, Mr. Green, Mr. Macdonald and Mr. Binns a Committee to manage the same.

On motion, Ordered, that the Committee of this House be instructed to state to the Committee of the House of Assembly, that the Council are willing to pass the Bill for the present Session only.

Thereupon the Committee went to the Conference; and having returned, reported that they had complied with the instructions given them by this House.

Mr. Brecken moved for leave to present a Petition from certain Inhabitants of Charlottetown, setting forth—That the increase of useless Dogs has lately become a serious public annoyance; and praying this House to take the same into consideration, and to sanction a Law for imposing a fair and equitable Tax on Dogs kept within Charlottetown and its vicinity.

Leave being granted, the said Petition was received and read.

Ordered, That the said Petition do lie on the Table.

Read a first time, the Bill intituled "An Act to improve the administration of Justice in Criminal cases."

Also, the Bill intituled "An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies."

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, March 4, 1836.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from His Honor the President, by Mr. Secretary Collins:

“The President is desirous that the Legislative Council, at its rising to-day, should adjourn to Tuesday the 22d instant.”

A Message from the House of Assembly, by Mr. Pope.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference; and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly; and that the same Committee who managed the former Conference do manage this further Conference—to meet in the Committee Room instant.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported, that having met the Committee of the House of Assembly, that Committee had been directed to inform them, that the House of Assembly having the sole right to limit and define the amount and duration of all Bills of aid and supply, they cannot therefore adopt the suggestion of the Legislative Council, with respect to the said Bill.

On motion, that the Bill intituled “An Act to provide for the Services of the Speaker of the House of Assembly, and for defraying the expenses and travelling charges of the Members of the said House, attending in General Assembly,” be read a third time this day Three Months:

The House divided—

CONTENTS.

*The Chief Justice,*  
*Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Smith.*

NON-CONTENTS.

*Mr. Attorney General,*  
*Mr. Goodman.*

And it passed in the affirmative.

Read a second time, the Bill intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned."

On motion, the Bill intituled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them," was read a second time.

*Ordered*, That the said Bill be committed to Mr. *Smith*, to report thereupon.

Read a second time, the Bill intituled "An Act to improve the administration of Justice in Criminal cases."

On motion, the Bill intituled "An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies," was read a second time.

Adjourned until Tuesday the Twenty-second day of March instant, at Twelve o'clock.

## TUESDAY, March 22, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Haviland*,  
*Mr. Attorney General*,  
*Mr. Smith*,  
*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of Friday the 4th instant.

Mr. *Smith* informed the House, that indisposition prevents Mr. *Lane* from attending in his place.

*Ordered*, That Mr. *Lane's* excuse be received.

Mr. *Haviland* informed the House that indisposition prevents Mr. *Brecken* from attending in his place.

*Ordered*, That Mr. *Brecken's* excuse be received.

Mr. *Smith*, to whom was committed the Bill intituled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them," reported the same.

*Ordered*, That the said Report be received.

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, March 23, 1836.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Smith.*

PRAYERS.

**T**HERE not being a Quorum:

Adjourned until Twelve o'clock to-morrow.

**THURSDAY, March 24, 1836.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of Tuesday last.

Read a third time, and passed, a Bill intituled "*An Act to amend an Act intituled **An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.***"

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

*Mr. Brecken*, to whom was committed the Bill intituled "*An Act to consolidate and amend the Election Laws,*" reported the same.

*Ordered*, That the said Report be received.

Adjourned until One o'clock to-morrow.

## FRIDAY, March 25, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

|                |   |                              |
|----------------|---|------------------------------|
| The Honorables | { | <i>Mr. Lane,</i>             |
|                |   | <i>Mr. Haviland,</i>         |
|                |   | <i>Mr. Attorney General,</i> |
|                |   | <i>Mr. Brecken,</i>          |
|                |   | <i>Mr. Smith,</i>            |
|                |   | <i>Mr. Goodman.</i>          |

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, March 26, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

|                |   |                              |
|----------------|---|------------------------------|
| The Honorables | { | <i>Mr. Lane,</i>             |
|                |   | <i>Mr. Haviland,</i>         |
|                |   | <i>Mr. Attorney General,</i> |
|                |   | <i>Mr. Brecken,</i>          |
|                |   | <i>Mr. Goodman.</i>          |

PRAYERS.

**M**R. *Smith* obtained leave to absent himself to day.

On motion, the House went into the consideration of the Bill intituled "An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies."

*Ordered*, That the further consideration thereof be postponed until Monday next.

A Message from the House of Assembly, by Mr. Thornton, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act in further amendment of an Act of the Second Year of His present Majesty, for consolidating and amending the Acts relating to Small Debts."

A Bill intituled "An Act to provide against accidents by Fire, and for the improvement of Property at Georgetown."

Read the said Bills a first time.

Adjourned until Twelve o'clock on Monday next.

**MONDAY, March 28, 1836.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

**PRAYERS.**

**READ** the proceedings of Saturday.

On motion, the House went into the consideration of the Bill intituled "An Act to improve the Administration of Justice in Criminal cases," and agreed to the same.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, *Ordered*, that the Order of the Day for the further consideration of the Bill intituled "An Act to provide for the Punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies," be discharged, and stand as the Order of the Day for to-morrow.

*Mr. Lane*, to whom was committed the Bill intituled "An Act for making Process in the Court of Chancery effectual against Persons who have left this Island, or who reside elsewhere, and to regulate the practice of the said Court in other matters therein mentioned," reported the same.

*Ordered*, That the Report be received.

Read a second time, the Bill intituled "An Act to provide against Accidents by Fire, and for the improvement of Property at Georgetown."

*Ordered*, That the said Bill do stand for further consideration to-morrow.

Read a second time, the Bill intituled "An Act in further amendment of an Act of the Second Year of His present Majesty, for consolidating and amending the Acts relating to Small Debts."

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, *Ordered*, that the Bill intituled "An Act to consolidate and amend the Election Laws," do stand for consideration to-morrow.

Adjourned until Eleven o'clock to-morrow.

## TUESDAY, March 29, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

|                |   |                                                                                                                                             |
|----------------|---|---------------------------------------------------------------------------------------------------------------------------------------------|
| The Honorables | { | <i>Mr. Lane,</i><br><i>Mr. Haviland,</i><br><i>Mr. Attorney General,</i><br><i>Mr. Brecken,</i><br><i>Mr. Smith,</i><br><i>Mr. Goodman.</i> |
|----------------|---|---------------------------------------------------------------------------------------------------------------------------------------------|

### PRAYERS.

**R**EAD the proceedings of yesterday.

The Order of the Day, for the consideration of the Bill intituled “An Act to provide against Accidents by Fire, and for the improvement of Property at Georgetown,” having been read—

The House accordingly went into the consideration of the said Bill.

On motion, Ordered, that a Conference be desired with the House of Assembly on the said Bill.

*Ordered*, That *Mr. Haviland* and *Mr. Goodman* be a Committee to manage the said Conference—to meet in the Committee Room instanter.

A Message from the House of Assembly, by *Mr. Palmer*, with a Bill intituled “An Act to amend an Act passed in the Fourth year of the Reign of His present Majesty, intituled *An Act for better preventing Accidents by Fire within the Town of Charlottetown*,” to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:—

Mr. President,

The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the Bill intituled “An Act to provide against Accidents by Fire, and for the improvement of Property at Georgetown,” and have appointed *Mr. Thornton*, *Mr. Clark*, *Mr. Pope* and *Mr. McCallum* a Committee to manage the same.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

On motion, the House, pursuant to order, went into the consideration of the Bill intituled “An Act to consolidate and amend the Election Laws,” and amended the same, as follows, viz:

*Folio 12, line 1*—After the word “therein,” insert the words “unless otherwise qualified in the terms of this Act.”

*Folio 33, line 15*—Strike out the word “Eight,” and insert the word Ten.”

*Same folio, line 16*—Strike out the word “Ten,” and insert the word “Twelve.”

*Folio 34, line 7*—Strike out the words “Eight and “Ten,” and insert the words “Ten and Twelve.”

*Folio 35, line 17*—Strike out the word "Person," and insert the word "Elector."

*Folio 36, line 8*—Strike out the word "the," and insert "any Candidate or."

*Same folio, same line*—After the word "Candidates," insert "or any Elector or Electors on his or their behalf."

*Same folio, line 13*—Strike out the words "by the Candidates," and insert "as aforesaid."

*Folio 38, last line*—After the word "same," insert "And be it further enacted, That when the proceedings at any Election shall be interrupted by any riot, or open violence, the Returning Officer, or his lawful Deputy, shall not, for such cause, terminate the business, but shall adjourn the Poll to the following day, and, if necessary, shall further adjourn it until such interruption shall have ceased, when the Returning Officer, or his Deputy, shall again proceed."

*Folio 43, line 16*—Strike out from the word "or," to the word "value," both inclusive.

*Schedule (E.), line 5*—After the word "Freehold," insert the word "or."

*Same Schedule, line 6*—Strike out the words "or equitable." After the word "Estate," strike out the words "in Land or Tenements."

**Ordered,** That the said Amendments be engrossed.

Read a first time, the Bill intituled "An Act to amend an Act passed in the Fourth year of the Reign of His present Majesty, intituled *An Act for better preventing Accidents by Fire within the Town of Charlottetown.*"

On motion, Ordered, that the Order of the Day, for the further consideration of the Bill intituled "An Act to provide for the Punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies," be further postponed until to-morrow.

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, March 30, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

|                |   |                              |
|----------------|---|------------------------------|
| The Honorables | { | <i>Mr. Lane,</i>             |
|                |   | <i>Mr. Haviland,</i>         |
|                |   | <i>Mr. Attorney General,</i> |
|                |   | <i>Mr. Brecken,</i>          |
|                |   | <i>Mr. Smith,</i>            |
|                |   | <i>Mr. Goodman.</i>          |

PRAYERS.

**READ** the proceedings of yesterday.

On motion, the House went into the consideration of the Bill intituled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them."



On motion, Ordered, that a Conference be desired with the House of Assembly on the said Bill.

*Ordered*, That Mr. *Brecken* and Mr. *Smith* be a Committee to manage the same—to meet in the Committee Room to-morrow, at Two o'clock.

On motion, Ordered, that the Order of the Day, for the further consideration of the Bill intituled “An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies,” be discharged; and that the same do stand as the Order of the Day for to-morrow.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, March 31, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

|                |   |                              |
|----------------|---|------------------------------|
| The Honorables | { | <i>Mr. Lane,</i>             |
|                |   | <i>Mr. Haviland,</i>         |
|                |   | <i>Mr. Attorney General,</i> |
|                |   | <i>Mr. Brecken,</i>          |
|                |   | <i>Mr. Smith,</i>            |
|                |   | <i>Mr. Goodman.</i>          |

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled “An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them,” and have appointed Mr. Palmer, Mr. Thornton, Mr. Cooper and Mr. Macdonald a Committee to manage the same.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

Read a third time, and passed, the Bill intituled “An Act to consolidate and amend the Election Laws,” with the Amendments.

*Ordered*, That the said Bill, with the Amendments, be sent down to the House of Assembly, for their concurrence.

Read a third time, and passed, the Bill intituled “An Act to provide for the Punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies.”

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

A Message from His Honor the President, by Mr. Secretary Collins:

“The President is desirous that the Legislative Council, at its rising to-day, should adjourn to Monday next, the 4th of April.”

On motion, that the Bill intituled “An Act to amend an Act passed in the Fourth year of the Reign of His present Majesty, intituled *An Act for better preventing Accidents by Fire within the Town of Charlottetown*,” be read a second time this day Three Months;

The House divided:

CONTENTS.

*Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Smith.*

NON-CONTENTS.

*The Chief Justice,*  
*The Attorney General,*  
*Mr. Goodman.*

And it passed in the affirmative.

Adjourned until One o'clock on Monday next.

~~~~~

**MONDAY, April 4, 1836.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of Thursday last.

Adjourned until One o'clock to-morrow.

## TUESDAY, April 5, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**M**R. *Goodman* informed the House that *Mr. Attorney General* is prevented from attending in his place.

*Ordered*, That *Mr. Attorney General's* excuse be received.

Adjourned until One o'clock to-morrow.

## WEDNESDAY, April 6, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, *Ordered*, That the Petition of Donald Macdonald, praying this House to dissolve the Marriage between him and his Wife, be referred to a Select Committee, to search for precedents, and to report thereon, with all convenient speed.

*Ordered*, That *Mr. Lane*, *Mr. Smith* and *Mr. Goodman* do compose the said Committee.

A Message from the House of Assembly, by Mr. Thornton, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act to provide for the conveyance of the Mails by means of Steam Navigation, and to repeal the Acts heretofore passed for that purpose."

A Bill intituled "An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors."

Also, with the following written Messages:—

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled "An Act to provide against Accidents by Fire, and for the improvement of Property at Georgetown;" and have appointed Mr. Thornton, Mr. Clark, Mr. Macdonald and Mr. McCallum a Committee to manage such Conference.

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject matter of the Amendments to the Bill intituled "An Act to consolidate and amend the Election Laws;" and have appointed Mr. Binns, Mr. Macdonald, Mr. Cooper and Mr. Le Lacheur a Committee to manage the said Conference.

On motion, ordered, that a further Conference be agreed to, as is desired by the House of Assembly, on the Bill intituled "An Act to provide against Accidents by Fire, and for the improvement of Property at Georgetown;" and that the same Committee who managed the former Conference be a Committee to manage this further Conference—to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

On motion, the Bill intituled "An Act to provide against Accidents by Fire, and for the improvement of Property at Georgetown," was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

On motion, *Ordered*, that this House do agree to a Conference, as is desired by the House of Assembly, on the Amendments made to the Bill intituled "An Act to consolidate and amend the Election Laws."

*Ordered*, That Mr. Brecken and Mr. Smith be a Committee to manage the said Conference—to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported, that they had met the Committee of the House of Assembly, who reported that they were instructed to state, that the House of Assembly do agree to the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth of the Amendments; but that they disagree to the Tenth, Eleventh and Twelfth of the Amendments, for the following reasons:—Because many persons, who may be objects of the choice of a majority of the Electors, may have Mortgages on their

property, and yet have a valuable equitable interest therein; and may also have only agreements for Deeds or Leases, or Licenses of Occupation from Government—all which constitute only equitable Estates. And also to the Ninth Amendment, because the House of Assembly considers that a long continued Riot might induce many Electors to leave the place for holding the Poll, and return home without voting; and they might not have time to return before the Writ might be returnable, or the time for legally Polling have expired. To adjourn until next day, if the Riot was early in the day, seems too long; it would be better to cease Polling for a time, without adjourning, at the discretion of the Returning Officer, and might be part of his Instructions, and appears not advisable to be enacted, as it might be taken advantage of by the party likely to be defeated, in order to gain time to bring in votes when other modes failed.

Read a first time, the following Bills, viz:—

A Bill intituled “An Act to provide for the conveyance of the Mails, by means of Steam Navigation, and to repeal the Acts heretofore passed for that purpose.”

A Bill intituled “An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors.”

Adjourned until Eleven o'clock to-morrow.

## THURSDAY, April 7, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables	{	<i>Mr. Lane,</i>
		<i>Mr. Haviland,</i>
		<i>Mr. Attorney General,</i>
		<i>Mr. Brecken,</i>
		<i>Mr. Smith,</i>
		<i>Mr. Goodman.</i>

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, the House went into the consideration of the Report of the Committee of Conference, on the Amendments to the Bill intituled “An Act to consolidate and amend the Election Laws.”

*Resolved*, That this House do not adhere to the Ninth, Tenth, Eleventh and Twelfth of the Amendments made by them, and objected to by the House of Assembly.

On motion, Ordered, that a further Conference be desired with the House of Assembly on the subject matter of the Amendments to the said Bill, and that the same Committee

who managed the former Conference be a Committee to manage this further Conference—to meet in the Committee Room instantler.

A Message from the House of Assembly, by Mr. Binns, with a Bill intituled “An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island,” to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:—

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the subject matter of the Amendments to the Bill intituled “An Act to consolidate and amend the Election Laws;” and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

On motion, Ordered, that the Committee of this House be instructed to state to the Committee of the House of Assembly, that this House do not adhere to the Ninth, Tenth, Eleventh and Twelfth of their Amendments.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

Read a second time, a Bill intituled “An Act to provide for the conveyance of the Mails, by means of Steam Navigation, and to repeal the Acts heretofore passed for that purpose.”

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a second time, the Bill intituled “An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors.”

*Ordered*, That the said Bill do stand for consideration to-morrow.

Read a first time, the Bill intituled “An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island.”

On motion, Ordered, that the Journals of this House be printed as speedily as possible at the close of each Session, the Proof Sheet being previously examined by a Committee, to be appointed by this House; and that, in addition to the number usually furnished by the Printer, he be required to furnish one Copy to each Member of the House of Assembly.

*Ordered*, That Mr. Haviland and Mr. Goodman be a Committee for that purpose.

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, April 8, 1836.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

**PRAYERS.**

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Pope.

Mr. President,

The House of Assembly have passed the Bill intituled “An Act to amend an Act intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned,*” with certain Amendments—to which they desire the concurrence of the Legislative Council.

The Order of the Day having been read, the House went into the consideration of the Bill intituled “An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors.”

On motion, Ordered, that a Conference be desired with the House of Assembly on the said Bill.

Ordered, That Mr. *Haviland* and Mr. *Brecken* be a Committee to manage the said Conference—to meet in the Committee Room to-morrow, at One o'clock.

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, April 9, 1836.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**READ** the proceedings of yesterday.

On motion, the Amendments made by the House of Assembly to the Bill intituled "*An Act to amend an Act intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned,**" were read a first time, and are as follows, viz:—

*Folio 3, line 4*—After the word "*ascertained,*" insert "*The said Notice to be inserted each time the said Newspaper shall be published during that period.*"

*Same folio, line 8*—After the word "*Township,*" insert the following Clauses (marked A. B.)

Clause A.

"And be it further enacted, That if the said Commissioners for the time being, or any of them, shall refuse or neglect to attend, prepared to perform their duty, at the time and place mentioned in such Notice, (without just and sufficient cause in excuse—to be proved by the absent Commissioner or Commissioners,) he or they shall forfeit and pay, for such refusal or neglect, all such damages as the parties interested in the intended Survey may sustain on that account, by reason of their attending with assistants pursuant to such Notice; the same to be recovered, with costs, and if not exceeding Five Pounds, exclusive of Costs, to be recovered in the same manner as Small Debts."

Clause B.

"And whereas the herein-before mentioned Act does not define the Fees or Allowances to be made to the several persons employed to carry into effect the provisions of the said Act—Be it therefore enacted, That no person whomsoever shall, either directly or indirectly, demand, take or receive any other or greater Fee or Fees for the respective services herein-after mentioned, than are hereunder specified, (that is to say)—

TABLE OF FEES.

Commissioner's Fees, per day—to be computed from the day he leaves his own house to the day of his return—no unnecessary time to be allowed—Twenty-five Shillings.

Surveyor, *per diem*—Eleven Shillings and Eight-pence.

Plan of each Survey, ten chains to an inch—Eleven Shillings and Eight-pence."

On motion, the said Amendments were read a second time.

*Ordered*, That the said Amendments do stand for consideration on Monday next.

*Mr. Lane*, from the Committee to whom was referred the Petition of Donald Macdonald, Esquire, reported as follows, viz:

The Committee to whom was referred the Petition of Donald Macdonald, Esquire, setting forth the separation between him and his wife, Anna Matilda Macdonald, which took place on the 3d December, 1833, since which she has not cohabited with him, and thereupon praying for an enactment to dissolve their union—report, that they have used



their utmost diligence in searching for precedents in the Records of Parliament, but cannot find any thing that will bear upon the present application.

(Signed)

A. LANE,  
GEO. R. GOODMAN,  
J. SPENCER SMITH.

*Ordered*, That the said Report be received.

A Message from the House of Assembly, by Mr. Thornton.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled "An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors;" and have appointed Mr. Thornton, Mr. Clark, Mr. Palmer and Mr. Nelson a Committee to manage the same.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

Adjourned until Twelve o'clock on Monday next.

## MONDAY, April 11, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables {  
*Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of Saturday.

Pursuant to the Order of the Day, the House went into the consideration of the Amendments made by the House of Assembly to the Bill intituled "An Act to alter and amend an Act intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.*"

On motion, *Ordered*, that a Conference be desired with the House of Assembly on the said Amendments.

*Ordered*, That Mr. *Smith* and Mr. *Goodman* be a Committee to manage the same—to meet in the Committee Room to-morrow, at One o'clock.

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, April 12, 1836.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*



PRAYERS.

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by *Mr. Thornton*, with the Bill intituled "An Act to consolidate and amend the Election Laws," agreed to, with the Amendments sent down by the Legislative Council, with the exception of those not insisted on by the Council.

Also, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act to incorporate the Trustees of Saint Andrew's College, and to repeal a certain Act therein mentioned."

A Bill intituled "An Act to continue for one year and to amend an Act of the Fifth year of His present Majesty, for the increase of the Revenue in this Island."

Also, with the following written Message:—

**Mr. President,**

The House of Assembly do agree to a Conference, as is desired by the Council, on the Amendments made to the Bill intituled "An Act to amend an Act intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned;*" and have appointed *Mr. Binns*, *Mr. Green*, *Mr. Thornton* and *Mr. Cooper* a Committee to manage the same.

On motion, Ordered, that a Copy of the Report of the Committee upon the Petition of *Donald Macdonald*, Esquire, be forthwith furnished to the said *Donald Macdonald*; and further, that it be intimated to Petitioner, that he be heard upon the subject matter of his said Petition, either by himself or Counsel, at the Bar of this House, if he think fit.

Read a first time, the Bill intituled "An Act to incorporate the Trustees of Saint Andrew's College, and to repeal a certain Act therein mentioned."

On motion, the said Bill was read a second time.

Ordered, That the said Bill be committed to *Mr. Attorney General*, to report thereupon.

The Committee appointed to meet the Committee of the House of Assembly, on the Amendments made to the Bill intituled "*An Act to amend an Act intituled ~~An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned,~~*" having gone to the Conference, and returned, reported, that they had complied with the instructions given them by this House.

Two Messages from the House of Assembly, by Mr. Douse.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled "*An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly,*" and have appointed the same Committee who managed the former Conference a Committee to manage this further Conference.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled "*An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them;*" and have appointed the same Committee who managed the former Conference, a Committee to manage this further Conference.

On motion, Ordered, that this House do agree to a further Conference, as is desired by the House of Assembly, on the Bill intituled "*An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly,*" and that the same Committee who managed the former Conference be a Committee to manage this further Conference—to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly, on the Bill intituled "*An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them.*"

Ordered, That Mr. Brecken and Mr. Goodman be a Committee to manage this further Conference—to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

On motion, the Bill intituled "*An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them,*" was read a third time.

On motion, that the said Bill do pass—

The House divided:

#### CONTENTS.

*The Chief Justice,  
Mr. Haviland,  
Mr. Attorney General,  
Mr. Brecken,  
Mr. Goodman.*

#### NON-CONTENT.

*Mr. Lane.*

And it passed in the affirmative.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a third time, and passed, the Bill intituled "An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly."

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, the Bill intituled "An Act to continue for One Year and to amend an Act of the Fifth Year of His present Majesty, for the increase of the Revenue in this Island," was read a first time.

Adjourned until Eleven o'clock to-morrow.

## WEDNESDAY, April 13, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables	{	<i>Mr. Lane,</i>
		<i>Mr. Haviland,</i>
		<i>Mr. Attorney General,</i>
		<i>Mr. Brecken,</i>
		<i>Mr. Smith,</i>
		<i>Mr. Goodman.</i>

### PRAYERS.

**R**EAD the proceedings of yesterday.

The Council adjourned for one hour.

And being met—

A Message from the House of Assembly, by Mr. Binns.

Mr. President,

The House of Assembly have passed the Bill intituled "An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for the relief of Insolvent Debtors*, and to make other Provisions in lieu thereof," with certain Amendments, to which they desire the concurrence of the Legislative Council.

Also, with the following Bills, to which they desire the concurrence of the Legislative Council:—

A Bill intituled "An Act relating to certain Roads in the Royalty of Charlottetown."

A Bill intituled "An Act relating to the Abolition of Oaths in the United Kingdom of Great Britain and Ireland, and other places out of this Island."

Read the last mentioned Bill a first time.

## Two Messages from the House of Assembly, by Mr. Binns.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the Amendments made to the Bill intituled "An Act to amend an Act intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned;*" and have appointed the same Committee who managed the former Conference, a Committee to manage this further Conference.

Mr. President,

The House of Assembly desire a further Conference with the House of Assembly, on the Bill intituled "An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors;" and have appointed the same Committee who managed the former Conference, a Committee to manage this further Conference.

On motion, Ordered, that this House do agree to a further Conference, as is desired by the House of Assembly, on the subject matter of the Amendments made to the Bill intituled "An Act to amend an Act intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned;*" and that the same Committee who managed the former Conference do manage this further Conference—to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly, on the Bill intituled "An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors;" and that the same Committee who managed the former Conference do manage this further Conference—to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

On motion, that the Amendments made by the House of Assembly to the Bill intituled "An Act to amend an Act intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned;*" be now read a third time—

It was moved, as an amendment, that the said Amendments be read a third time this day Three Months.

The question being put, the House divided:

CONTENTS.

Mr. Smith,

Mr. Goodman.

NON-CONTENTS.

The Chief Justice,

Mr. Lane,

Mr. Haviland,

Mr. Attorney General,

Mr. Brecken.

And it passed in the negative.

The question being put on the original motion, the House divided:

## CONTENTS.

*The Chief Justice,*  
*Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken.*

## NON-CONTENTS.

*Mr. Smith,*  
*Mr. Goodman.*

And it passed in the affirmative.

*Ordered,* That the said Amendments be agreed to.

*Ordered,* That the said Bill, as amended, be re-engrossed.

Read a third time, the Bill intituled "An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors."

On motion, that the said Bill do pass—

The House divided:

## CONTENTS.

*The Chief Justice,*  
*Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Goodman.*

## NON-CONTENT.

*Mr. Smith.*

And it passed in the affirmative.

*Ordered,* That the said Bill be sent down to the House of Assembly.

Read a second time, the Bill intituled "An Act to continue for one Year and to amend an Act of the Fifth Year of His present Majesty, for the increase of the Revenue in this Island."

Read a first time, the Bill intituled "An Act relating to certain Roads in the Royalty of Charlottetown."

*Mr. Lane* moved for leave to present a Petition from William Cranston, and others, Proprietors of Pasture Lots in Charlottetown Royalty, setting forth—That they are owners and occupiers of Lots fronting on the Princetown Road, and that, from the very inaccurate manner in which the Roads are laid off, they experience much loss and inconvenience; and praying this House to adopt such measures as will tend to remedy the evil complained of.

Leave being granted, the said Petition was received and read.

*Ordered,* That the said Petition do lie on the Table.

*Mr Brecken* moved for leave to present a Petition from certain Proprietors and Inhabitants of the Royalty of Charlottetown, praying, for reasons therein stated, that this House will not pass into a Law any measure for the alteration of the Princetown Road, or other Royalty Roads.

Leave being granted, the said Petition was received and read.

*Ordered,* That the said Petition do lie on the Table.

On motion, the Amendments made by the House of Assembly to the Bill intituled "An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for the relief of Insolvent Debtors*, and to make other Provisions in lieu thereof," were read a first time, and are as follows:—

*Folio 1, last line*—After the word "Process," insert "except such persons as may be so confined by virtue of mesne or final Process issued under any Act or Acts made for the recovery of Small Debts."

*Folio 2, line 6*—After the word "Island," insert "or to the said Court in Term time, or to any two Commissioners to be appointed as hereinafter mentioned."

*Same folio, line 7*—After the word "Judges," insert "Court or Commissioners."

*Same folio, line 17*—After the word "Judges," insert "Court or Commissioners."

*Folio 3, line 16*—After the word "Judges," insert "Court or Commissioners."

*Folio 4, line 1*—After the word "Judges," insert "Court or Commissioners."

*Same folio, line 16*—Strike out from the word "or" to the word "Court," both inclusive.

*Same folio, line 17*—After the word "Judges," insert "Court or Commissioners."

*Same folio, line 18*—After the word "Jailor," insert "or by Rule of Court."

*Folio 5, line 12*—After the word "Judgment," insert "Provided also, that when two or more Creditors shall detain any Debtor in Prison as aforesaid, the said weekly allowance shall be paid in the proportions following—(that is to say) when there are only two detaining Creditors, then each shall pay half of the said allowance; and when there shall be three or more such Creditors, then each shall pay Two Shillings per week—such payments to be made in like manner as payments may at the time be made from the public Treasury of this Island; and in case any such detaining Creditor or Creditors shall not make due payment of his, her or their proportion of such allowance, then the Debtor, upon proof thereof, made on Oath before any Judge or other person by this Act having authority for that purpose, shall be discharged, by order of such Judge or other person, from further imprisonment at the suit of such detaining Creditor or Creditors so making default in payment of the allowance as aforesaid; but such discharge shall not affect the right of any other detaining Creditor or Creditors to continue such Debtor in Prison, unless such other Creditors shall, after Eight days notice in writing to each of them, or their authorized Agents or Attorneys, of such default having been proved, and order of discharge thereon made as aforesaid, neglect duly to pay their proportions of such allowance, or the whole thereof, as is required by this Act."

*Same folio, line 13*—Strike out from the word "and" to the word "notwithstanding," in *folio 6, line 5*, both inclusive, and insert the following Clause, marked (A.)

Clause (A.)

"And be it further enacted, That within One Calendar Month after the passing of this Act, the Justices of His Majesty's said Supreme Court of Judicature, or any two of them, of whom the Chief Justice to be one, shall, and they are hereby required, to commission and appoint two proper and fit persons in each of the Counties of King's County and Prince County, for the purposes hereinafter mentioned, and who shall reside within Ten Miles of the respective Court Houses in the said Counties; and the said Commissioners shall, by virtue of such appointment, have and be invested with the same powers and authorities in every respect within the Counties in which they shall reside, as are given and conferred by this Act to and upon any two of the Justices of His Majesty's said Supreme Court of Judicature."

*Folio 6, line 7*—After the word "Judges," insert "Court or Commissioners."

*Same folio, line 8*—After the word "Judges," insert "Court or Commissioners."

*Same folio, line 10*—After the word "Jailor," insert "or by Rule of Court."

*Same folio, line 13*—After "Order," insert "or Rule of Court."

*Same folio, line 18*—After "Order," insert "or Rule of Court."

*Folio 7, line 3*—From the word "who," strike out to the word "Court," interlined between *lines 3 and 4*, both inclusive, and insert "Court or Commissioners."

*Same folio, line 9*—After the word “ Judges,” insert “ Court or Commissioners.”

*Same folio, line 10*—Strike out from the word “ under” to the word “ Seals,” in *line 11*, both inclusive, and insert “ or Rule.”

*Same folio, line 13*—After the word “ Order,” insert “ or Rule.”

*Same folio, line 14*—Strike out from the word “ or,” to the word “ time,” both inclusive, and insert “ Court or Commissioners.”

*Same folio, line 15*—Strike out from the word “ Provided” to the word “ Act,” in *folio 8, line 16*, both inclusive.

*Same folio, line 19*—After the word “ Judges,” insert “ Court or Commissioners.”

*Folio 9, line 4*—After the word “ Judges,” insert “ Court or Commissioners.”

*Same folio, line 7*—Strike out from the word “ in,” to the end of the clause.

*Same folio, line 11*—Strike out from the word “ issued,” to the word “ Court,” both inclusive, and insert “ as aforesaid.”

*Same folio, line 17*—Strike out from the word “ who,” to the word “ Court,” in *line 19*, both inclusive, and insert “ Court or Commissioners.”

*Folio 10, line 11*—After the word “ Judges,” insert “ Court or Commissioners.”

*Same folio, line 19*—After the word “ Judges,” insert “ Court or Commissioners.”

*Folio 18, line 7*—Strike out the word “ are,” and insert the word “ is.”

*Same folio, line 16*—After the word “ Judges,” strike out the word “ if,” and insert “ or Commissioners “ aforesaid, or before.”

*Folio 21, line 19*—After the word “ Court,” insert “ or any of the Commissioners aforesaid.”

*Folio 22, line 3*—After the word “ Judges,” insert “ or Commissioners.”

*Folio 23, line 7*—After the word “ aforesaid,” insert the following clause, marked (B.)

Clause (B.)

“ And be it further enacted, That there shall be paid to each of the said Commissioners, by the party applying to them for any Order, the following Fees, and no more, for any matters done under the authority of this Act.

For each Mile necessarily travelled, to attend at any Hearing, Inquiry or Examination, required by this Act, Sixpence.

For every Order made, Two Shillings.”

*Folio 23, line 10*—Strike out the word “ Two,” and insert the word “ Seven.”

### A Message from His Honor the President, by Mr. Secretary Collins:

GEORGE WRIGHT, President.

The President lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, inclosing a series of Reports adopted by the House of Lords, for the purpose of securing an effective Prison Discipline, together with the copy of an Act subsequently passed by the Imperial Parliament, for the purpose of carrying out the principles elicited by their Lordships' inquiries.

In submitting these Documents for the consideration of the Legislative Council, the President is directed to call their early attention to this important subject.

[CIRCULAR.]

Downing Street, 28th November, 1835.

SIR,

Among the subjects which have recently engaged the public attention in this country, none has occupied a more prominent place, or is more intrinsically important, than the establishment of proper Regulations for securing an effectual Prison Discipline.

During the last Session of Parliament a Committee of the House of Lords was appointed to inquire into the state of the Jails and Houses of Correction in England and Wales. After a minute and laborious investigation, their Lordships adopted a series of Reports, of which copies are herewith inclosed for your information, and an Act, of which a copy is also inclosed, was subsequently passed by the Imperial Parliament, for the purpose of carrying out the principles elicited by their inquiries.



It is the object of my present Despatch to call your attention to the general subject of Prison Discipline, as far as regards the Colony under your Government.

From the nature of the investigation undertaken by the Committee of the House of Lords, some of the observations in their Reports, and of the recommendations embodied in their Resolutions, are necessarily of a local and exclusive nature. But there are many others which are of general application, and which, with such modifications only as are demanded by local circumstances, might probably be advantageously introduced into the Colony under your Government.

I have therefore to desire, that you will bring the inclosed Documents under the consideration of the Legislature of Prince Edward Island, and solicit their early attention to this important subject.

I have, &c.

(Signed)

GLENELG.

Lieut. Governor Sir A. W. Young, &c. &c. &c.

*Ordered*, That the foregoing Despatch, with His Honor's Message, do lie on the Table.

Adjourned until Eleven o'clock to-morrow.

## THURSDAY, April 14, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables { *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Pope, with a Bill intituled "An Act for the appointment of a Commissioner, to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Light Houses," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Read a third time, and passed, the Bill intituled "An Act to continue for one Year and to amend an Act of the Fifth Year of His present Majesty, for the increase of the Revenue in this Island."

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a third time, the Bill intituled "An Act to amend an Act intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned*," with the Amendments.

On motion that the said Bill do pass,

The House divided:

CONTENTS.

*The Chief Justice,*  
*Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken.*

NON-CONTENT.

*Mr. Smith.*

And it passed in the affirmative.

*Ordered,* That a Message be sent down to the House of Assembly, acquainting them therewith.

*Mr. Attorney General* moved for leave to present a Petition from certain Inhabitants of Charlottetown, setting forth the unsound and depreciated state of the circulating medium of the Colony, in consequence of the issue of small Notes by private individuals; and praying this House to enact a Law to prevent a further issue of such Notes, and to take the general state of the Currency of the Island into consideration.

Leave being granted, the said Petition was received and read.

*Ordered,* That the said Petition do lie on the Table.

Read a second time, the Amendments made by the House of Assembly to the Bill intituled "An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King George the Third, intituled *An Act for the Relief of Insolvent Debtors*, and to make other Provisions in lieu thereof."

On motion, the House went into the consideration of the said Amendments.

On motion, the said Amendments were read a third time, and agreed to.

*Ordered,* That the said Bill, with the Amendments, be re-engrossed.

Read a second time, the Bill intituled "An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island."

On motion, the House went into the consideration of the Bill, and amended the same, as follows, viz:

Folio 1, line 19—After the word "have," insert the words "acted as Prothonotary or."

Folio 2, line 14—After the word "be," insert "And be it further enacted, That no Registrar of the  
" Court of Chancery, or Clerk in his office, or Prothonotary of the said Supreme Court, or  
" Clerk in his office, whilst in the execution of the duties of such office, shall be allowed  
" to practice as a Barrister or Attorney or Solicitor in either of the said Courts.  
" And be it further enacted, That the First Section of the said Act, intituled *An Act to regulate the admission of Barristers, Attorneys and Solicitors*, be and the same is hereby repealed.  
" And be it further enacted, That from and after the passing of this Act, every person  
" who shall apply to be admitted as an Attorney in the Supreme Court, or as a Solicitor in  
" the Court of Chancery of this Island (except as mentioned in the First Section of this Act),  
" shall have served, *bona fide*, as an articulated Clerk, for the space of five years at least, in the  
" office of one of the Attorneys or Solicitors of the said Courts, or shall produce authentic documents to prove his having been called to the Bar in Great Britain or Ireland, or in the  
" Colonies, or of his having been admitted to practice as an Attorney or Solicitor in one  
" of the superior Courts of Law or Equity in Great Britain or Ireland, or in the Colonies:

“ Provided always, that nothing herein contained shall be construed to prevent any person already articulated at the time of the passing of this Act, as a Clerk to any Attorney or Solicitor of the said Courts of this Island, from applying for his admission as an Attorney or Solicitor in the said Courts, if he shall have served, *bona fide*, four years in the office of any such Attorney or Solicitor, and shall be otherwise qualified, as is expressed and declared by the said Act and this Act.”

*Same folio, line 16*—Strike out from the word “except” to the word “aforesaid,” both inclusive.

*Same folio, line 18*—After the word “shall,” insert the words “be admitted to.”

*Folio 3, line 17*—Strike out the word “and.”

*Same folio, same line*—After the word “Attorneys,” insert the words “or Solicitors.”

*Ordered*, That the said Amendments be engrossed.

Adjourned until Eleven o'clock to-morrow.

## FRIDAY, April 15, 1836.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables	{	<i>Mr. Lane,</i>
		<i>Mr. Haviland,</i>
		<i>Mr. Attorney General,</i>
		<i>Mr. Brecken,</i>
		<i>Mr. Smith,</i>
		<i>Mr. Goodman.</i>

### PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill intituled “An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island,” with the Amendments.

*Ordered*, That the said Bill, with the Amendments, be sent down to the House of Assembly, for their concurrence.

Read a second time, the Bill intituled “An Act for the appointment of a Commissioner, to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Light Houses.”

Read a second time, the Bill intituled “An Act relating to certain Roads in the Royalty of Charlottetown.”

On motion, the House went into the consideration of the Bill intituled "An Act for making Process in the Court of Chancery effectual against Persons who have left this Island, or who reside elsewhere, and to regulate the practice of the said Court in other matters therein mentioned."

*Ordered*, That the further consideration of the said Bill be postponed until to-morrow.

A Message from the House of Assembly, by Mr. Pope, with the Bill intituled "An Act to restrain the issue of certain Promissory Notes," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Read a third time, and passed, the Bill intituled "An Act for the appointment of a Commissioner, to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Light Houses."

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a third time, and passed, the Bill intituled "An Act relating to certain Roads in the Royalty of Charlottetown."

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Mr. *Attorney General*, to whom was committed the Bill intituled "An Act to incorporate the Trustees of Saint Andrew's College, and to repeal a certain Act therein mentioned," reported the same.

*Ordered*, That the said Report be received.

*Ordered*, That the said Bill do stand for consideration to-morrow.

Adjourned until Eleven o'clock to-morrow.

## SATURDAY, April 16, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables	{	Mr. Lane,
		Mr. Haviland,
		Mr. Attorney General,
		Mr. Brecken,
		Mr. Smith,
		Mr. Goodman.

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, *Ordered*, that a Message be sent down to the House of Assembly, acquainting them that this House have agreed to the Bill intituled "An Act to suspend

an Act made and passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the Relief of Insolvent Debtors*, and to make other provisions in lieu thereof," as amended by the House of Assembly.

A Message from the House of Assembly, by Mr. Palmer, with a Bill intituled "An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island," agreed to, as amended by the Legislative Council.

Also, with the following Bill, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act relating to the Streets of Charlottetown."

Read the said Bill a first time.

Read a second time, the Bill intituled "An Act to restrain the issue of certain Promissory Notes."

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Pursuant to order, the House went into the further consideration of the Bill intituled "An Act for making Process in the Court of Chancery effectual against Persons who have left the Island, or who reside elsewhere, and to regulate the practice of the said Court in other matters therein mentioned," and amended the same, as follows:—

*Folio 17, line 1*—Strike out from the word "and" to the word "Debtors," in folio 18, both inclusive. Strike out the last Section of the Act.

*Ordered*, That the Amendments be engrossed.

On motion, the said Bill, with the Amendments, was read a third time, and passed.

*Ordered*, That the said Bill, with the Amendments, be sent down to the House of Assembly, for their concurrence.

Read a second time, the Bill intituled "An Act relating to the Abolition of Oaths in the United Kingdom of Great Britain and Ireland, and other places out of this Island," and amended the same, as follows:—

*Folio 3, line 1*—Strike out the words "all civil," and insert "certain."

*Ordered*, That the said Amendment be engrossed.

Read a third time, the said Bill, with the Amendment.

*Ordered*, That the same be sent down to the House of Assembly, for their concurrence.

On motion, the House went into the consideration of the Bill intituled "An Act to incorporate the Trustees of Saint Andrew's College, and to repeal a certain Act therein mentioned," and amended the same, as follows:—

*Folio 13, line 22*—After the word "Eight," insert the following Clause:

"And be it further enacted, That all Deeds of Gift, and Conveyance of Real Estate, which shall be made to the said Corporation, shall be enregistered within Twelve Calendar Months after the execution thereof respectively, in the proper Office for the Registration of Deeds

“ within this Island; and in default of such Registration as aforesaid, within the time aforesaid,  
 “ the same shall be absolutely null and void, and of no more force or effect than if the same  
 “ had not been made or executed.”

*Ordered*, That the said Amendment be engrossed.

Read a third time, and passed, the said Bill, with the Amendment.

*Ordered*, That the same be sent down to the House of Assembly, for their concurrence.

Read a second time, the Bill intituled “An Act relating to the Streets of Charlotte-town.”

On motion, *Ordered*, that the said Bill do stand for consideration on Monday next.

A Message from the House of Assembly, by Mr. Pope, with a Bill intituled “An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-six.”

Read the said Bill a first time.

On motion, the said Bill was read a second time.

Adjourned until Eleven o'clock on Monday next.

## MONDAY, April 18, 1836.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Honorables {  
                           *Mr. Lane,*  
                           *Mr. Haviland,*  
                           *Mr. Attorney General,*  
                           *Mr. Brecken,*  
                           *Mr. Smith,*  
                           *Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of Saturday.

Read a third time, the Bill intituled “An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-six.”

On motion, that the said Bill do pass, and the question being put—

It passed in the affirmative.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Mr. *Lane* moved for leave to present a Petition from certain Inhabitants of Charlotte-town, stating that they have learned with regret that a Bill has lately been passed by the

**House of Assembly**, compelling those persons who have steps erected in front of their dwellings to remove the same; and praying that this House will be pleased to withhold their assent to the said Bill, in its present shape.

Leave being granted, the said Petition was received and read.

*Ordered*, That the said Petition do lie on the Table.

The Order of the Day having been read, the House went into the consideration of the Bill intituled "An Act relating to the Streets of Charlottetown."

Whereupon it was *Resolved*, That as the very late period of the Session at which the said Bill was received from the House of Assembly precludes this House from giving that attention to the said Bill which the importance of the measures contemplated thereby requires, the further consideration of the said Bill be postponed until the next Session, when this House will go into the subject matter thereof, and that in the mean time the Bill be printed three times in the public Newspapers of the Colony.

A Message from the House of Assembly, by Mr. Palmer, with the following Bills, agreed to, as amended by the Legislative Council, viz:

A Bill intituled "An Act to incorporate the Trustees of Saint Andrew's College, and to repeal a certain Act therein mentioned."

A Bill intituled "An Act relating to the Abolition of Oaths in the United Kingdom of Great Britain and Ireland, and other places out of this Island."

Also, with the following written Message:—

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject matter of the Amendments made by the Council to the Bill intituled "An Act for making Process in the Court of Chancery effectual against Persons who have left this Island, or who reside elsewhere, and to regulate the practice of the said Court in other matters therein mentioned;" and have appointed Mr. Binns, Mr. Pope, Mr. Palmer and Mr. Cooper a Committee to manage the same.

*Ordered*, That this House do agree to a Conference, as is desired by the House of Assembly.

*Ordered*, That Mr. Lane and Mr. Haviland be a Committee to manage the said Conference—to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference; and having returned, reported the substance thereof.

On motion, *Ordered*, that this House do adhere to the Amendments made to the said Bill.

On motion, *Ordered*, that a further Conference be desired with the House of Assembly on the said Bill, and that the same Committee who managed the last Conference be a Committee to manage this further Conference—to meet in the Committee Room instanter; and that the Committee be instructed to acquaint the Committee of the House of Assembly, that this House do adhere to their Amendments.

## A Message from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the subject matter of the last Conference; and have appointed the same Committee who managed the former Conference a Committee to manage this further Conference.

Thereupon the Committee went to the Conference; and having returned, reported, that they had complied with the instructions given them by this House.

The House having taken into consideration the Accounts of the Officers of this House, and the Contingent Expenses of the present Session, allowed the same, as follows, viz:

The Rev. Louis Charles Jenkins, Chaplain,	-	-	-	-	£30	0	0
John Cambridge Wright, Esq. Usher of the Black Rod,	-	-	-	-	30	0	0
J. P. Collins, Esq. Clerk of the Council, for his services, including Stationary,					107	6	4
John Rider, Messenger, including sundry disbursements,	-	-	-	-	28	2	5
Moses Hayes, Doorkeeper,	-	-	-	-	20	0	6
					<hr/>		
					£215	9	3

His Honor the President having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Honor's commands to desire the immediate attendance of the House of Assembly in the Council Chamber.

The House of Assembly, with their Speaker, attended accordingly, when His Honor was pleased to give his assent to the following Bills, viz:

An Act to amend the Act for the summary Trial of common Assaults and Batteries.

An Act to prevent the running at large of Sheep in the Town of *Charlottetown*.

An Act to prevent Persons indecently Bathing in the Waters contiguous to *Charlottetown*.

An Act to consolidate and amend the Election Laws.

An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly.

An Act to authorize the Sale of a Building heretofore used as an Episcopal Church in *Charlottetown*.

An Act to authorize the closing of a certain Road within the Royalty of *Princetown*.

An Act concerning the Registration of certain original Grants or Patents of Lots or Townships of Land in this Island.

An Act relating to the office of Administrator of the Government for the time being.

An Act to improve the Administration of Justice in Criminal Cases.

An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies.

An Act in further amendment of an Act of the Second Year of His present Majesty, for consolidating and amending the Acts relating to Small Debts.

An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island.

An Act to incorporate the Trustees of *Saint Andrew's College*, and to repeal a certain Act therein mentioned.

An Act to suspend an Act made and passed in the Twenty-sixth year of the Reign of His late Majesty King *George the Third*, intituled *An Act for the Relief of Insolvent Debtors*, and to make other Provisions in lieu thereof.

An Act relating to the abolition of Oaths in the United Kingdom of *Great Britain and Ireland*, and other places out of this Island.

An Act to restrain the issue of certain Promissory Notes.



The Titles of the following Bills were then read:—

An Act to amend an Act intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.*

An Act relating to certain Roads in the Royalty of *Charlottetown*.

To each of which His Honor was pleased to say, that he would reserve the same for consideration.

After which the Speaker of the House of Assembly presented the following Bills, to which His Honor was pleased to give his assent:—

An Act to continue for one Year and to amend an Act of the Fifth Year of His present Majesty, for the increase of the Revenue in this Island.

An Act for the appointment of a Commissioner, to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Light Houses.

An Act to continue for a limited time an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to establish a Reward for the destruction of Bears and Loupcerviers.*

An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them.

An Act to provide against Accidents by Fire, and for the improvement of Property in *Georgetown*.

An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors.

An Act to provide for the conveyance of the Mails by means of Steam Navigation, and to repeal the Acts heretofore passed for that purpose.

An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-six.

And then His Honor was pleased to make the following Speech to both Houses:—

*Mr. President, and Gentlemen of His Majesty's Council:*

*Mr. Speaker, and Gentlemen of the House of Assembly:*

The business of the Session having been brought to a conclusion, I have much satisfaction in being enabled to relieve you from further attendance; in doing which, I beg to convey to you my sincere congratulations upon that spirit of harmony and unanimity which has governed your proceedings.

*Mr. Speaker, and Gentlemen of the House of Assembly:*

I thank you for the Supplies which you have voted for the Public Service; and, as far as in me lies, they shall be strictly applied to those purposes for which they are raised.

*Mr. President, and Gentlemen of His Majesty's Council:*

*Mr. Speaker, and Gentlemen of the House of Assembly:*

In returning to your private avocations, I confidently trust that your influence will not be wanting to impress upon the minds of the ignorant and unwary, that obedience to the Laws is inseparable from their happiness and security.

After which, the President of the Legislative Council, by His Honor's command, said—

Gentlemen,

It is the will and pleasure of His Honor the President, that this General Assembly be prorogued until Tuesday the Thirty-first day of May next; and this General Assembly is accordingly prorogued until Tuesday the Thirty-first day of May next.

**End of the Third Session.**

**JOURNAL**  
**OF THE**  
**LEGISLATIVE COUNCIL**  
**OF**  
**Prince Edward Island.**

**ANNO SEPTIMO GULIELMI IV. REGIS.**

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**FOURTH SESSION OF THE FOURTEENTH GENERAL ASSEMBLY.**

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**CHARLOTTETOWN:**

**PRINTED BY JAMES DOUGLAS HASZARD, PRINTER TO THE KING'S MOST  
EXCELLENT MAJESTY.**

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**1837,**





BY HIS HONOR,  
**GEORGE WRIGHT,**

**G. WRIGHT.** President and Commander in Chief in and over His Majesty's Island Prince Edward,  
and its Dependencies, Chancellor and Vice Admiral of the same, &c. &c. &c.

**A PROCLAMATION.**

**WHEREAS** the General Assembly of this Island stands prorogued to Tuesday the 31st day of May inst.:  
I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued  
until Thursday the 14th day of July next—of which all Persons concerned are required to take notice and  
govern themselves accordingly.

Given under my Hand and the Seal of the said Island, at Charlottetown, this Thirtieth  
day of May, in the year of our Lord One Thousand eight hundred and thirty-five,  
and in the Sixth year of His Majesty's Reign.

By His Honor's Command,

**J. P. COLLINS,** Colonial Secretary.

*GOD SAVE THE KING.*

---

BY HIS HONOR  
**GEORGE WRIGHT,**

**G. WRIGHT.** President and Commander in Chief in and over His Majesty's Island Prince Edward, and  
its Dependencies, Chancellor and Vice Admiral of the same, &c. &c. &c.

**A PROCLAMATION.**

**WHEREAS** the General Assembly of this Island stands prorogued to Thursday, the 14th day of July inst.:  
I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued,  
until Thursday the 8th day of September next—of which all Persons concerned are required to take notice  
and govern themselves accordingly.

Given under my Hand and the Seal of the said Island, at Charlottetown, this Thir-  
teenth day of July, in the year of our Lord One thousand eight hundred and thirty-  
six, and in the Seventh year of His Majesty's Reign.

By His Honor's Command,

**J. P. COLLINS,** Colonial Secretary.

*GOD SAVE THE KING.*

---

BY HIS EXCELLENCY  
**COLONEL**

**SIR JOHN HARVEY, K. C. H. & C. B.,**

**J. HARVEY.** Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince  
Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same,  
&c. &c. &c.

**A PROCLAMATION.**

**WHEREAS** the General Assembly of this Island stands prorogued to Thursday the 8th instant:  
I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued,  
until Thursday the 20th day of October next—of which all Persons concerned are required to take notice  
and govern themselves accordingly.

Given under my Hand and the Great Seal of the Island, at Charlottetown, in the said  
Island, this Fifth day of September, in the year of our Lord One thousand eight hun-  
dred and thirty-six, and in the Seventh year of His Majesty's Reign.

By His Excellency's Command,

**J. P. COLLINS,** Colonial Secretary.

*GOD SAVE THE KING.*

BY HIS EXCELLENCY

COLONEL

SIR JOHN HARVEY, K. C. H. & C. B.,

Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince

J. HARVEY. Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same,  
&c. &c. &c.

## A PROCLAMATION.

**WHEREAS** the General Assembly of this Island stands prorogued to Thursday, the 20th instant:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Thursday the 1st day of December next—of which all persons concerned are required to take notice and govern themselves accordingly.

Given under my Hand, and the Great Seal of the Island, at Charlottetown, in the said Island, this Fifteenth day of October, in the year of our Lord One thousand eight hundred and thirty-six, and in the Seventh year of His Majesty's Reign.

By His Excellency's Command,

J. P. COLLINS, Colonial Secretary.

*GOD SAVE THE KING.*

---

BY HIS EXCELLENCY

COLONEL

SIR JOHN HARVEY, K. C. H. & C. B.,

Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince

J. HARVEY. Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same,  
&c. &c. &c.

## A PROCLAMATION.

**WHEREAS** the General Assembly of this Island stands prorogued to Thursday, the 1st day of December next: I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Friday the 30th day of December next—of which all Persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of the Island, at Charlottetown, in the said Island, this Twenty-third day of November, in the year of our Lord One thousand eight hundred and thirty-six, and in the Seventh year of His Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND,

Acting Colonial Secretary.

*GOD SAVE THE KING.*

---

BY HIS EXCELLENCY

COLONEL

SIR JOHN HARVEY, K. C. H. & C. B.,

Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince

J. HARVEY. Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same,  
&c. &c. &c.

## A PROCLAMATION.

**WHEREAS** the General Assembly of this Island stands prorogued to Friday the 30th instant:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Tuesday the Twenty-fourth day of January next, then to meet for the Dispatch of Public Business—of which all Persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of the Island, at Charlottetown, in the said Island, this Twenty-fourth day of December, in the year of our Lord One thousand eight hundred and thirty-six, and in the Seventh year of His Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND,

Acting Colonial Secretary.

*GOD SAVE THE KING.*

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**JOURNAL**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF  
**PRINCE EDWARD ISLAND.**

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**TUESDAY, January 24th, 1837.**

In pursuance of the foregoing Proclamations, the Legislative Council met.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,  
*Mr. Lane*,  
*Mr. Haviland*,

HON. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

**H**IS Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the immediate attendance of the House of Assembly, in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased to open the Session with the following Speech:—

*Mr. President, and Gentlemen of His Majesty's Council;*  
*Mr. Speaker, and Gentlemen of the House of Assembly;*

The King having been graciously pleased to appoint me to be His Majesty's Representative in this Island, I have called you together at as early a period as appeared to me consistent with your own convenience, and with a due regard to other circumstances, in order that you may be afforded the fullest opportunities for the consideration of such Legislative measures as may be suggested to you, or as the state of the Colony may appear to you to demand.

Before we enter together upon the business of the Session, it is my duty, not only to assure you of my earnest desire cordially to co-operate with you in the advancement of every well considered measure which you may recommend to my attention, but also to invite the most frank and unreserved communication with me at all times when it may appear to you that by such communications any measure of public utility is likely to be promoted.

Although we have to lament a partial failure in the crops in some of the sections of the Island, occasioned by unseasonable frosts, it is with much satisfaction that I am enabled to congratulate you and the Colony upon the improved state of the Revenue, in which an increase is exhibited to the amount of at least one-eighth above the receipts of the preceding year.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

The Accounts of the past year will be laid before you; and I do not allow myself to entertain any doubt of your disposition to make due provision for the exigencies of the public service.

*Mr. President, and Gentlemen of His Majesty's Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I will communicate with you by Message upon such matters as I may from time to time have to bring under your consideration; but there are two or three subjects to which I will now advert, as well on account of their prominent importance, as because I wish to place upon your records some of the impressions which have been produced in my mind during my short acquaintance with this Island.

I would in the first place invite your attention to communications of paramount interest to the whole of His Majesty's Colonies in North America, which have recently been laid before the Legislature of New Brunswick—copies of which I have directed immediately to be laid before you; and it will, I trust, appear to you that a most important extension of the privileges which these Colonies derived from their original Constitutions, has, by these Despatches, been conferred upon them—not only as regards those concessions—not reluctantly made, but freely granted, by our gracious and beneficent Sovereign, with the object of at once promoting the welfare of His Majesty's North American subjects, and thereby strengthening and increasing their attachment to the Parent State, but also by the establishment of a most satisfactory principle of uniformity in the administration of the Colonial Governments. In these boons, although not so directly benefited by all of them as those Colonies in which the Crown possesses large territorial revenues, the people of this Island will, nevertheless, I trust, discern a feeling of so truly paternal a character, as to call forth on their parts the renewed expression of those sentiments of devoted loyalty to the King, and of attachment to the parent state and to constitutional principles, which I am thoroughly convinced are nowhere more generally diffused or more warmly cherished than in this portion of His Majesty's dominions, and while I confess that I should have been glad if circumstances had permitted this Island to take the lead in the public affirmation of these principles; yet I cannot but congratulate you upon the opportunity which this occasion presents, of placing upon your records what I firmly believe from all that I have myself seen and observed, to be the honest unbiassed hereditary sentiments of the great body of the people of this Colony.

In adverting to the state of the Island generally, as presented to my observation during my late excursions, I would remark, that the system upon which the construction of your roads, bridges, wharves, and other improvements connected with the internal communications of the Colony, is conducted, appears to me free from objection; and I cannot here refrain from expressing the surprise and satisfaction with which I witnessed, in the course of my excursions, not only the extent but the excellence of those communications, than which I have seen nothing better in any other section of His Majesty's transatlantic possessions—and when I reflect that all this has been effected by the almost unaided efforts of the resident Colonists, who by their statute labour, and by their contributions to the Colonial revenues as the consumers of imported goods, have been almost the sole agents in the creation of these extensive improvements, I cannot but regard them as highly creditable to the public spirit of the Colony and of its Legislature.

I am happy to be enabled to speak in terms of equal approbation of the Public Buildings of the Colony, especially the County Jails and Court Houses, the Government House and the Central Academy,—but I have remarked, with some degree of surprise, and I might add of alarm, the absence of one public Building which I cannot but regard as indispensable to every Colony—I allude to some solid and well constructed Edifice for the deposit and safe custody of all Public Records. In the Offices in which they are at present placed, it is evidently impossible to adopt adequate precautions against accident or carelessness, by the effect of either of which the Titles of almost all the property of the Island might at once be involved in ruinous and irretrievable confusion and disorder. To this state of insecurity it appears to me that no time should be lost in applying some remedy.

There is yet another Public Building of importance scarcely secondary to any other, the erection and endowment of which must, however, I apprehend, be deferred until the resources of the Colony are more fully developed,—I mean a Provincial Hospital or Infirmary, including within it a Lunatic Asylum.

With reference to Education, which, though last in the order of my notice, is far from being so in my estimation of its importance; after congratulating the Colony upon the possession of an Establishment created by its own liberality, where its youth can receive instruction in the higher branches, I would remark,

that in the present day, a competent degree of Elementary Education is not only the gift which Parents, however humble their circumstances, would most wish to confer upon their Children, but may be regarded as almost a *necessity*, happily imposed upon us by the advanced condition of society in this respect, in the older countries of Europe. The obligation, therefore, appears to attach, with peculiar force, to the Legislature of every young and rising Colony, to grant such aid as may be necessary for placing this inestimable gift within the reach of *all*, upon terms such as their means may enable them to afford—and in inviting you to consider how far some practical improvement may not be introduced into the system upon which your District and Local Schools are at present conducted (whether by connecting them with the Central Academy as a 'Normal School,' for the instruction of the Teachers themselves; whether by raising both the stipends and the standard of qualification of the Teachers, even at the expense of a reduction of their numbers, or by any other well considered plan,) I venture to believe that the invitation will be met by a corresponding feeling on your part, of the great importance of the subject, upon which it only remains for me to assure you, that I will receive, with the sincere desire of being enabled to give effect to your wishes with His Majesty's Government, any suggestions which you may be pleased to make to me relative to the appropriation of the funds raised under a recent Provincial Statute for the general purposes of Education.

In conclusion, I deem it a duty, with equal earnestness and sincerity, to recommend to you—a recommendation which, I trust, may be received in the spirit in which it is offered—the unceasing cultivation of that harmony and unanimity by which your proceedings appear to have been governed during the last Session, and the absence of which, wherever it has unfortunately occurred, has invariably proved most detrimental to the public interests.

The Speech being ended, His Excellency was pleased to retire; and the House of Assembly having withdrawn, the President reported His Excellency's Speech, which being read by the Clerk—

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, to return the thanks of this House for his Speech delivered this day.

*Ordered*, That Mr. *Haviland*, Mr. *Brecken* and Mr. *Smith* be a Committee to prepare a Draft, pursuant to the above Resolution.

*Ordered*, That Mr. *Attorney General*, Mr. *Brecken* and Mr. *Goodman* be a Committee to revise the Journals of this House each day.

On motion, *Ordered*, that Mr. *Haviland* and Mr. *Smith* be a Committee to examine into and report upon such Laws as are near expiring.

On motion, *Ordered*, That the Rev. Louis Charles Jenkins be requested to attend this House to-morrow, at One o'clock, and each succeeding day during the Session, for the purpose of reading Prayers.

His Excellency the Lieutenant Governor requiring the occasional personal attendance of the Hon. Mr. *Haviland*, the Acting Colonial Secretary and Clerk of the Council, Mr. Charles Desbrisay was appointed to act as Clerk during the present Session; and having taken the Oath of Allegiance, and also the Oath of Office, took his seat accordingly.

Mr. *Smith* informed the House, that Mr. *Attorney General* had obtained leave from His Excellency the Lieutenant Governor to absent himself for some days.

A Message from His Excellency the Lieutenant Governor, by the Hon. Mr. *Haviland*, Acting Colonial Secretary.

J. HARVEY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council copies of two Despatches, and an Extract from a third Despatch, which he has received from the Right Honorable Lord Glenelg, His Majesty's



Principal Secretary of State for the Colonies, and to which reference is made in his Speech delivered this day.

Government House, January 24, 1837.

No. 84.

" DOWNING STREET, 31st August, 1836.

" Sir,

" I have to acknowledge the receipt of your Despatch of the 16th March last, No. 19, transmitting a copy of an Address from the House of Assembly of New Brunswick to His Majesty, on various subjects connected with the administration of public affairs in that Province. I have since received from Messrs. Crane and Wilmot, the Gentlemen deputed by the House of Assembly to represent them in this Country, the original Address of the Assembly, and I have also been in communication with those gentlemen, as well on the matters to which the Address adverts, as on others connected with the Colony. I inclose for your information, copies of the correspondence which has passed with them.

" I have had the honor of laying at the foot of the Throne, the Address of the House of Assembly; and I am commanded to express His Majesty's satisfaction at the spirit and temper in which the House have framed this record of their sentiments on subjects of great constitutional interest and importance.

" The Assembly express their approbation of the instructions issued by His Majesty's commands to Sir Francis Head, and to the Canada Commissioners, and state that it would afford them entire satisfaction, if the principles which they involve were carried into operation in New-Brunswick.

" It is with great pleasure that I am enabled to give to the Assembly the satisfaction which they desire. The principles involved in those instructions are not of limited application. They form the basis of the policy which, in His Majesty's judgment, it is the wisdom of this country to pursue in reference not only to the Canadas, but also to all the other States of British North America.

" I proceed to bring this general declaration to a practical test in the answers which I am commanded to return to the Address.

" 1. The first subject to which the Assembly advert is the management of the Crown Estates. Their representation is in substance, that the powers at present confided to the Commissioner of Crown Lands are excessive, and that the system which that Officer in the exercise of his discretion has followed, has tended to retard the settlement and prosperity of the Province. But, in deference to the judgment already expressed by His Majesty on this subject, the Assembly withdraw on the present occasion their claim for the entire controul and management of the Crown Lands, and suggest that such controul and management should, in futuro, be confided to the Administrator of the Provincial Government and the Executive Council.

" The memorandum inclosed in the joint letter of Messrs. Crane and Wilmot, dated the 27th instant, will explain to you the representations which those Gentlemen have added on this part of the question.

" From my Despatch of the 31st March last, you will have seen that the management of the Crown Lands in New Brunswick has lately engaged much of my attention. Without stopping to inquire whether that Despatch may not in some degree have anticipated the objections urged by the House of Assembly, I am at once to convey to you His Majesty's decision on the proposed measures of amelioration.

" His Majesty is pleased to acquiesce in the suggestion that the management of the Crown Lands should for the future be confided to the Administrator for the time being, aided by His Executive Council. In pursuance of this decision, it will be your duty hereafter, in all questions relating to the disposal of Lands or Timber, belonging to the Crown, to submit the subject for the consideration of the Executive Council, and to proceed only in conformity with the opinion of that Council, or of a majority of its members. To the Commissioner of Crown Lands, however, will still belong the duty of carrying into effect such measures as shall have been thus decided on.

" His Majesty at the same time readily admits the right of the Legislature of New Brunswick to pass such Laws as may seem to them expedient for the guidance of the Executive Government in this branch of their duties. His Majesty will be at all times prepared to receive and to consider with attention any suggestions or advice respecting the policy and system of management of the Crown Lands which may be offered to the Crown by the Council and Assembly of New Brunswick, whether by Address, or in the form of Le-

gislative enactments. But as this is a matter in which the prerogative of the Crown is immediately concerned, and as it would obviously be inconvenient that any uncertainty should be introduced into the regulations for the disposal of Crown Lands, it will be indispensable that any Act to be passed for such purpose should contain a clause suspending its operation until his Majesty's pleasure respecting it shall have been declared.

"2. The Assembly complain that they have not been able to obtain detailed accounts of the receipt and expenditure of the Casual and Territorial Revenue, and have thus been prevented from making those suggestions respecting the management of that Fund which, by Lord Ripon's Despatch of the 2d February, 1833, they were invited to offer.

"It would appear by the observation annexed by you to the Address, that you dissent, in some degree, from the correctness of this statement. I am not, however, called on this occasion to examine into what is past. With respect to the future, I have to convey to you his Majesty's commands, that the most prompt attention should be paid to any Addresses which may be presented to you by the House of Assembly, for information on subjects connected with the receipt and expenditure of the Casual and Territorial Revenue. His Majesty has no desire to withhold from the Representatives of the people of New Brunswick any information on such points, which they may consider necessary for their guidance; but as some misapprehension appears to have hitherto existed on this subject, I must direct that in future there be annually laid on the table of the House of Assembly, within fourteen days from the commencement of their Session, a detailed account of the receipts and expenditure of the Casual and Territorial Revenue of the Province for the year last past. This return must be prepared with the utmost clearness and precision; and it might perhaps be possible for you to arrange beforehand with the Assembly, the form in which it could be most advantageously drawn up. It is scarcely possible to contemplate a case in which it might be necessary to refuse the call of the Assembly for any information on this subject, but should such a case occur, you will not fail immediately to report the circumstance to me.

"3. The Assembly next allude to the composition of the Executive Council.

"They recommend that the Members of the Council should be materially increased; and His Majesty will take this suggestion into consideration, although he is not yet prepared to declare whether it can be carried into effect, still less what should be the extent of the proposed increase.

"The Assembly further express their cordial concurrence in the views of Mr. Spring Rice, relative to the summoning to that Board of some Members of the popular branch of the Legislature.

"On this topic the Assembly have expressed themselves with a just delicacy; declaring their approbation of Mr. Spring Rice's Despatch, they yet disclaim any wish to offer an opinion to the King, as to the persons whom His Majesty may be pleased to call to fill seats in the Executive Council. It is obvious indeed that a peremptory rule on the subject would be inadmissible. At present it is open to the Crown, at its own discretion, to select Members for the Executive Council from all descriptions of His Majesty's subjects. The prerogative is unfettered, and it is, in the opinion of His Majesty's advisers, most advantageous for all parties that so it should remain. With respect to the manner in which it shall in this branch of it be exercised, His Majesty can give only the general assurance, which he directs me to convey to the House of Assembly, that his selection of persons to sit in the Executive Council will be guided solely by a reference to the permanent interests of the Province, and to the qualifications of those whose names may be submitted to him for that distinction.

"4. The composition of the Legislative Council is the next subject alluded to by the House, admitting that no great public evil has yet arisen from this source, they nevertheless express their apprehension, that according to the principles laid down in the instructions to the Canada Commissioners, those Members of the Council who hold office under the Crown could not be expected to exercise an unbiassed judgment on the questions which might come before them.

"His Majesty's Ministers entirely agree in the importance of securing the independence of the Legislative Council. They are not indeed prepared, especially after the candid admission of the Assembly, as to the working of the present system, to recommend to His Majesty the supersession of any of the present Members of the Council, nor do they consider office as of itself a disqualification for a seat in the Council, but they freely admit that the introduction into it of too large a number of persons holding places of emolument under the Executive Government, would tend to detract from its weight as an independent branch of the Colonial Legislature. Lord Ripon, in a Despatch dated the 1st May, 1832, observes, that the Legislative Council should principally consist of Gentlemen independent of and unconnected with the Executive Government,

and selected from the principal inhabitants of the Province, and those having the greatest stake in its welfare.' To this principle, although it would seem that accidental circumstances have hitherto prevented it from been carried into full effect, His Majesty's Government continue to adhere. Whenever, therefore, it may become your duty to recommend to me, for His Majesty's approbation, the name of any gentleman to be appointed a Member of the Legislative Council, you will bear in mind the rule laid down by Lord Ripon in the words I have just quoted.

"It may be proper to advert, in this place, to the impression which has been produced on the minds of the Assembly by those clauses of the Instructions to Sir Francis Head, which (to use their own language) 'might be supposed to affect the independence of Members of the Legislature holding any inferior office or appointment under the Government.'" On this subject it is enough to point out to the observation of the Assembly, that the clauses in question, in so far as they concern persons holding seats in either house, have reference expressly to 'Members of the Local Government,' not to inferior officers, but to those who form an actual portion of the Executive Government, and whose cordial sympathy and co-operation are absolutely indispensable to the existence of any system of administration. With regard to such individuals, I trust the Assembly will admit the justice of the observation which concludes the consideration of this topic in the Instructions to Sir Francis Head. Unless this course be pursued, it would be impossible to rescue the head of the Government from the imputation of insincerity, or to conduct the administration of public affairs with the necessary firmness and decision.

"5. I now come to the application of the Assembly for the surrender to them of all of the Revenues at the disposal of the Crown in the Province, including the payments of the Nova Scotia and New Brunswick Land Company, in return for a Civil List to be granted for a period either of ten years or permanently.

"After a due consideration of the circumstances of the case, I have to inform you, that subject to two qualifications to be subsequently noticed, His Majesty has been graciously pleased to consent to this application of the Assembly. The two qualifications to which I refer are the following:

"*First.* The appropriation of the House of Assembly is to be exercised not over the gross but over the net amount of the Revenue, to be placed under their controul. The proper and moderate charges incident to the collection and management of that Revenue will continue to be defrayed as at present; but an account of those charges will be included in the statements respecting the Casual and Territorial Revenue which, in a former part of this Despatch, I have directed to be annually submitted to the House of Assembly. I need scarcely add, that His Majesty would be at all times prepared to devote the most attentive consideration to every suggestion from either Branch of the Legislature with respect to the amount of the charges of collection.

"*Secondly.* The second qualification has for its object to preclude questions which might otherwise arise as to the manner in which the right of appropriation is to be exercised by the House of Assembly. His Majesty proposes that the Law and Customs of Parliament, and more especially the established usages of the House of Commons, with regard to the appropriation of the surplus of the Consolidated Fund of Great Britain and Ireland, shall be assumed by the Legislature of New Brunswick, and more especially by the House of General Assembly, as affording the rule for their guidance in the appropriation of the Revenues of that Province. Some exceptions may unavoidably arise out of peculiar local circumstances, forbidding a perfect coincidence in the two systems, which, however, subject to those exceptions, would be precisely similar.

"In regard to the amount of the Civil List to be granted by the House of Assembly, I am to inform you that His Majesty will be willing to accept the sum of £14,000 sterling, that being the sum originally demanded by Lord Stanley. In determining this part of the question, I have not overlooked the fact that, in Lord Stanley's Despatch of 30th September, 1833, it was not distinctly stated whether the sum which he named as the amount of the Civil List was calculated in sterling or in current money. But any doubts which might otherwise exist on this point must be at once decided by the Schedule attached to his Despatch, wherein are recited the services amounting in all to £14,003 sterling to which he proposed to appropriate the Civil List.

"If, therefore, a Bill should be passed by the Provincial Parliament and presented to you, having for its object the securing to His Majesty of a Civil List, amounting to £14,000 sterling, per annum, either for the space of ten years, or permanently, you will reserve it for the signification of His Majesty's pleasure; and you will not, in the meantime, consider yourself at liberty to apply any portion of the Casual and Territorial Revenue to services which have not already received the express sanction of His Majesty's Government.

"The following are the services to which, in the event of its being granted, it is intended, in the first instance, to apply this sum, viz:

Salary of the Lieutenant Governor,	-	-	-	£3,500
Chief Justice, -	-	-	-	950
3 Puisne Judges, -	-	-	-	1,950
Attorney General, -	-	-	-	550
Solicitor General, -	-	-	-	200
Colonial Secretary, -	-	-	-	1,430
Private Secretary, -	-	-	-	200
Com. of Crown Lands, -	-	-	-	1,750
Establishment of do.	-	-	-	909
Salary of Auditor, -	-	-	-	300
Receiver General, -	-	-	-	300
Scotch Minister, -	-	-	-	50
Emigration Agent, St. John, -	-	-	-	100
Annuity to late Surveyor General, -	-	-	-	150
College, -	-	-	-	1,000
Indians, -	-	-	-	54

£13,393

"After defraying these charges, there will still remain a surplus of £607 sterling, applicable to any incidental expenses, for which no provision shall have been previously made. You will, however, of course, understand, that in thus pointing out the offices of which the salaries are to be paid out of this fund, His Majesty does not preclude himself from the revision of those salaries at a future date. In the case of some of them, indeed, it has been already announced to you by my predecessors, that reductions will be made on the occurrence of vacancies, and it is probable, therefore, that the surplus may hereafter exceed the sum which I have stated. In anticipation of that event, His Majesty directs me to announce, that whatever the amount of that surplus may hereafter be, it will be applied exclusively to objects connected with the Province, and with a view solely to public interests, and an account of it will be annually laid before the House of Assembly.

"It has been suggested, that as the Quit Rents were included among the Revenues, which, according to Lord Stanley's proposal, would have been given up to the Assembly, so, among the Revenues to be surrendered under the arrangement now under consideration, should be included the sum granted in the Session of 1835, in commutation of the Quit Rents. To this suggestion His Majesty sees no reason to object, and he would, therefore, not be disposed to withhold his Assent from any Act which might be passed by the Provincial Legislature, for the purpose of repealing the Quit Rent Commutation Act of 1835.

"In closing this communication, I am commanded to express the satisfaction with which His Majesty has felt himself enabled to decide on the various particulars to which it refers. This gracious attention, on the part of His Majesty to the wishes of His faithful subjects in New Brunswick, will, the King has no doubt, be received by them as a fresh proof of the interest which he takes in their welfare, and of His solicitude to promote the developement of the great and manifold resources of that portion of the British Empire.

"I have the honor to be, &c.

(Signed)

"GLENELG.

"Major General Sir A. Campbell, Bart. G. C. B. &c. &c. &c."

No. 85.

[COPY.]

"DOWNING STREET, 5th September, 1836.

"SIR,

"In my Despatch of the 31st ultimo, I have communicated to you the answer which His Majesty has commanded me to return to the Address from the House of Assembly of New Brunswick of the 14th of March last. I have at the same time inclosed for your information, copies of the correspondence which had passed on the subject of that Address, and on other matters of a public nature, between this department and Messrs.

Crane and Wilmot, the Gentlemen deputed by the House of Assembly to represent them in this country. Having communicated to Messrs. Crane and Wilmot the draft of my Despatch of the 31st ult. I have received from them the inclosed observations upon it. I have also had with them personal communications on the subject. I now proceed to inform you in what respects His Majesty has in consequence been pleased to direct that the instructions contained in my Despatch of the 31st ultimo shall be altered or modified.

" 1. The first alteration proposed by Messrs. Crane and Wilmot is, that the Executive Council should, in compliance with the wishes of the Assembly, be at once enlarged, without waiting the further deliberation contemplated in my Despatch of the 31st ultimo. On this point His Majesty, after a due consideration of the arguments urged by the House of Assembly, and of the representations of Messrs. Crane and Wilmot, is prepared to adopt the necessary steps for meeting the wishes of the Assembly. It is unnecessary on the present occasion to offer any pledge as to the precise number of which the Executive Council should hereafter consist, nor indeed could any invariable rule be prescribed on that subject without inconvenience. But you will immediately report to me the names of several Gentlemen whom you may think most eligible for seats in His Majesty's Executive Council. In making your selection, you will not confine yourself to any single class or description of persons, but will endeavour to ensure the presence in the Council of Gentlemen representing all the various interests which exist in the Province, and possessing at the same time the confidence of the people at large. It may not be possible always to find such persons in the neighbourhood of the Capital, but I am assured that there are gentlemen of fortune in the Province who, if appointed to the Council, would, from public motives, attend to the duty.

" 2. The instructions respecting the regulation of the Land Department are next alluded to, and much stress is laid on the expediency of permitting you to give your assent at once to any Acts which may be passed by the Legislature for that purpose, instead of reserving them for the signification of His Majesty's pleasure. I must however remark, that whatever advantages might accrue from this course, they could scarcely compensate for the inconvenience which might result from a disallowance, should that be necessary, of such Acts after they have gone into operation. It would be superfluous to enlarge on the hardships which might be produced by the annulling of an Act under which property had been already acquired or devised, or to point out how much the disappointment created by such a proceeding must exceed that which would result from a temporary delay in the confirmation of the Act. There is, however, an alternative which, while it would guard effectually against the inconvenience just stated, would at the same time, I have reason to think, be satisfactory to the Assembly, and this is, that no Act for the regulation of the Land Department shall come into operation till a given period after its passing. If therefore any Act of that nature presented to you hereafter, shall contain a clause providing that it shall not come into operation till the expiration of at least four months from its date, you will be at liberty, should you see no objection to the Act on other grounds, to give your assent to it. In such a case I need hardly state that it will be your duty immediately to transmit the Act to me in order that it may be brought under the consideration of His Majesty in Council.

" 3. With respect to the surrender of the Casual and Territorial Revenue, I have to observe, that in proposing that the net proceeds only should be paid over to the Provincial Treasury, His Majesty's Government made no claim which is not in strict accordance with the law and practice of this country. The Hereditary Revenues of the Crown have been placed at the disposal of Parliament—Parliament has in turn confided to the Executive Government the powers and the duty of determining in the first instance whatever relates to the expence of management and collection, subject to the obligation of rendering an annual account of that expence. It is obvious that if the Legislature should assume the right of predetermining the various items of that expenditure, they would be virtually invested with the entire management of the Territory itself, and must exercise a power which has never been placed in this country in any other hands than those of the Executive Government. To depart from the established usage in this respect would be to subvert the existing balance of the Constitution, and to place powers of the greatest importance in hands not subject to any effective responsibility. I propose, therefore, that, as in Great Britain the cession of the Hereditary Revenue was accompanied by an Enactment which enabled the Lords of the Treasury to fix in the first instance all the charges of collection and management, so in New Brunswick, the cession of the corresponding Revenue to the appropriation of the General Assembly, should be accompanied by an act authorizing the Governor of the Province, with the advice of his Executive Council, to expend out of the gross income whatever sums they may find necessary for the management and collection of that Revenue. And as in Great

Britain—the House of Commons, by exercising its judgment on the accounts of the expenditure which are always laid before it, has in effect a sufficient and constitutional control over that expenditure, so in New Brunswick the same control over the Revenues in question, would, by the same means, be vested in the House of Assembly. The assurance which you have been directed to convey to the House of Assembly, that accounts of the Receipt and Expenditure of that Revenue shall be annually laid before them, and that His Majesty will be ever ready to devote the most attentive consideration to any suggestions from either branch of the Legislature in regard to the expense of collection, appear to afford a guarantee against any unnecessary disbursements for that service; but there would be no objection to confirm that assurance by a positive enactment.

4. Messrs. Crane and Wilmot next advert to the amount of the Civil List, and suggest that the sum of £15,000 Currency should be substituted for that of £14,000 Sterling.—Although it has not been in my power to advise His Majesty to accede altogether to this suggestion, I am yet of opinion, after adverting to the arguments urged by those Gentlemen, both in their written communications and in conversation, that some modification of the proposition contained in my Despatch of the 31st ultimo, may be advantageously made. Among the items therein specified as permanent charges in the Civil List, is the sum of £909 for the establishment of the Commissioner of Crown Lands. This item was inserted in conformity with the scheme contemplated by Lord Stanley in 1833; but there appears to be no sufficient reason why the expenses of the Indoor Establishment of the Commissioner of Crown Lands should not be defrayed in the same manner as all other expenses incurred for the management of the Crown Estate, and the collection of the Revenue arising from it. This charge therefore being deducted from the Civil List, His Majesty will be ready to accept the the sum of £14,500 Currency in exchange for the casual and Territorial Revenue, instead of the sum of £14,000 Sterling demanded in my Despatch of the 31st ultimo. I cannot doubt that the Assembly, considering the large and growing Revenue to be given up to their controul in return for this sum, will cheerfully agree to the terms offered to them by His Majesty's Government.

The sum of £14,500 Currency would, I presume, be equal to £13,050 Sterling, and there would therefore remain an immediate surplus of £566 Sterling, which will of course be hereafter increased by reductions in the amount of the Salaries at present borne on the Civil List. Among the objects to which it is my purpose to devote a portion of this surplus, is the institution of an efficient office of Audit within the Province for all the Revenues raised and expended in it. I am of course aware that at present it is the custom of the House of Assembly to appoint from time to time Committees of their body to whom are referred such Financial returns as are laid on their Table, and who in fact exercise the power of auditing the accounts specified in such Returns. It is far from my intention to undervalue the labours of these Committees, or to question the advantage which must accrue to the public service from the rigid supervision by the Representatives of the people, of the Expenditure of the Executive Government. But at the same time Committees of a popular body are but an inadequate substitute for a permanent and responsible officer, whose sole duty it would be to inspect the accounts of Public Departments. The experience and practical skill, the intimate and continuous knowledge of official transactions which are necessarily acquired by such an officer, give him many advantages over any fluctuating body. It is also to be observed, that the appointment of an Auditor immediately responsible to His Majesty is more consistent with the constitution and practice of this Kingdom, than the consigning of the duty of examining the public accounts altogether to the Representatives of the people. The office of Auditor as at present constituted in New Brunswick is, I apprehend, insufficient for the duties which I have here proposed to devolve on it; I have therefore to desire that you will bring the subject under the notice of the Council and of the House of Assembly, and request them respectively to furnish me with a report on it, specifying among other points what should be the amount of remuneration to be conferred on the officer at the head of the proposed Department. On receiving that report, I shall lose no time in communicating with the Lords Commissioners of the Treasury, and in preparing in concert with them the necessary arrangements for the institution and regulation of the office.

It is to be understood that I by no means propose or contemplate that the officer so appointed should supersede the labours of the Committees of the House of Assembly. Those Committees will, if the House think fit, continue their inquiries exactly as they do at present; nor will the Auditor in any degree impede or interfere with their proceedings. Indeed it will be always in the power of the House to obviate any such consequence.

5. The last subject noticed in the inclosed memorandum, is the scale of the Salaries of Public Officers, and it is proposed that the reductions to be made in those Salaries on the occurrence of vacancies, should be distinctly specified in the Despatch to you. It is also stated to be the opinion of the House of Assembly, that no officer in the Province, except the Lieutenant Governor, should receive a larger Salary than the Chief Justice or a Puisne Judge of the Supreme Court. I am fully alive to the importance of the subject thus brought under my notice, but adverting to the rapid changes which are taking place in New Brunswick, and to the length of time which may possibly elapse before an opportunity occurs for revising the offices of which the emoluments are borne on the proposed Civil List, I am of opinion that it would not be convenient at the present time to pledge His Majesty's Government to the specific amount of remuneration which shall hereafter, and perhaps under altered circumstances, be attached to those offices. At the same time I am anxious to institute a course of inquiries calculated to prepare materials for a final and well considered judgment on the subject. With this view, I desire to receive from yourself and from the Legislative Council and the House of Assembly respectively, reports pointing out the amount of emoluments which in your opinion would constitute an adequate remuneration for each of the offices in question. It is of course understood, that during the tenure of the present officers their existing emoluments shall be preserved to them, but whenever vacancies shall occur, His Majesty's Government will consider what reductions should be made in those emoluments, and will devote their serious attention to the statements which I have now invited, in the hope that they may be able at once to effect a considerable saving in the public expenditure without impairing in any degree the efficiency of the respective offices. It must moreover be distinctly intimated to every officer who may hereafter be temporarily appointed to any of the situations of which the salaries are borne on the Civil List, that should such temporary appointment be subsequently confirmed, the emoluments of the office will nevertheless be subject to revision and reduction, and that no claim to compensation for loss of Salary will have been created by the discharge of the duties ad-interim. With respect, however, to the office of Lieutenant Governor, I am to observe, that it has been already determined, on the occurrence of the next vacancy, to reduce the salary attached to it to £3,000 Sterling per annum. Below that sum, it could, I think, scarcely be reduced consistently with the rank and dignity which the Lieutenant Governor is required to maintain as His Majesty's Representative.

I have now gone through all the points mentioned in the inclosed memorandum, but before I conclude this Despatch I must advert to a topic which has been pressed on my attention by Messrs. Crane and Wilmot. It has been stated that by the stipulation that the net proceeds only of the Casual and Territorial Revenue should be ceded to the Assembly, an almost unlimited power of expenditure for purposes connected with the management of the Crown Estate still remains in the hands of the Executive Government. In order to prevent any abuse of this power, it is proposed that an instruction should be given to you, that on the presentation of an Address to you from the Assembly expressing their disapprobation of any expenditure then actually in progress, you should suspend the progress of such Expenditure until the King's Government at Home shall have an opportunity of deciding on the propriety or impropriety of continuing it. To this proposition I have felt myself unable for several reasons to assent, but I have informed Messrs. Crane and Wilmot that on the occurrence of the event which they have contemplated, you would receive with all the weight due to the opinion of the Representatives of the people, any address which might be presented to you by the Assembly, and that you would be instructed to lay that Address before your Executive Council, and to receive their opinions on the subject of it before taking any decisive step. And it would be moreover your duty in such a case immediately to report the circumstances to me, with a full explanation of the grounds on which your ultimate decision shall have proceeded.

Such are the modifications of my Despatch of the 31st ultimo, which, after a full consideration of the subject, His Majesty's Ministers have felt themselves at liberty to recommend to His Majesty. While they regret their inability to proceed to the full extent of the wishes of Messrs. Crane and Wilmot, they are yet persuaded that the liberal spirit in which His Majesty's answer to the Address of the House has been conceived, will sufficiently indicate the anxiety of His Majesty to accede, as far as is compatible with public interests, to their wishes on matters connected with the administration of the Provincial Government. The differences of opinion that may still remain in some particulars between the views of the Assembly and those adopted in this country are perfectly compatible with the existence of a sincere and single desire on both

sides to consult only the permanent well-being of the Province, and cannot, therefore, it is trusted, impede the satisfactory settlement of the questions mooted in the Address of the Assembly of the 14th of last March.

" I have the honor to be, Sir,

" Your most ob'dt humble Servant,

(Signed)

" GLENELG.

" Major General Sir A. Campbell, Bart. K. C. B. &c. &c. &c."

No. 86.

[EXTRACT.]

" DOWNING STREET, 10th September, 1836.

" SIR,

" With reference to my Despatches of the 31st ult., and of the 5th inst. explanatory of the arrangements into which it is proposed to enter with the Legislature of New Brunswick; it has appeared to His Majesty's Government necessary, that measures should be taken for holding a Session of that Legislature with the least possible delay. Considerations applying, not to New Brunswick alone, but to the other British North American Provinces also, require that no time should be lost in giving general publicity to the proposals which you are authorized to make. You will therefore take the necessary measures for convening the General Assembly for the dispatch of business, immediately on your receipt of this Dispatch.

" On the meeting of the Legislature, you will, by a Message, communicate to the Legislative Council and to the Assembly, copies of my Despatches of the 31st of August and of the 5th of September.

" The views explained in these Despatches having been maturely adopted, after a full and careful investigation, it is desirable that they should be fully known, and clearly developed to the Legislative Bodies of New Brunswick, and through them to the Legislatures of the other British North American Provinces.

" I have the honor to be, Sir,

" Your most obedient humble Servant,

(Signed)

" GLENELG.

" Major-General Sir A. Campbell, Bart. K. C. B. &c. &c. &c."

Which being read by the Clerk,

*Ordered*, That the said Documents do lie on the Table.

The President informed the House, that he had received a communication from the Hon. J. Sewell, Speaker of the Legislative Council of Lower Canada, transmitting a copy of a Bill to establish and regulate the Post Office in that Province, together with a Report, and the Evidence reported by a select Committee of the Legislative Council, and a copy of an Address of the Council to the King on the subject of the Post Office.

*Ordered*, That the same do lie on the Table.

Adjourned until One o'clock to-morrow.



**WEDNESDAY, January 25th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,  
*Mr. Lane*,  
*Mr. Haviland*,

HON. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

**PRAYERS.**

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Pope.

In the House of Assembly,  
Tuesday, January 24th, 1837.

**Resolved**, That a Committee of three Members be appointed to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

**Ordered**, That Mr. Pope, Mr. Green and Mr. Thornton do compose the said Committee.

**Ordered**, That the said Resolution be communicated by Message to the Legislative Council.

WILLIAM CULLEN, Clerk.

**Resolved**, That a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

**Ordered**, That Mr. Lane and Mr. Attorney General do compose the said Committee.

**Ordered**, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until Twelve o'clock to-morrow.

**THURSDAY, January 26th, 1837.**

The Council met pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. Mr. Wright,

HON. Mr. Brecken,

Mr. Lane,

Mr. Smith,

Mr. Haviland,

Mr. Goodman.

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. Haviland, from the Committee appointed to prepare an Address in answer to His Excellency's Speech, reported, that they had prepared a draft of the same, which was read.

On motion, the House resolved itself into a Committee of the whole House, to take the said Address into consideration.

Mr. Haviland took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the Address, and had made some amendments thereto.

*Ordered*, That the Report of the Committee be agreed to, and that the Address be engrossed; and the same was read, and is as follows, viz:

*To His Excellency Colonel Sir JOHN HARVEY, K. C. H. & C. B. Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

*May it please your Excellency;*

We His Majesty's dutiful and loyal subjects, the Members of the Legislative Council of Prince Edward Island, in Colonial Parliament convened, beg to offer your Excellency our warmest thanks for your Speech delivered at the opening of the present Session.

We cannot fail to view with sentiments of the deepest gratitude the lively interest which our most gracious Sovereign has continued to entertain for the welfare of the Colony; and upon no occasion have we been afforded a more decided opportunity of giving utterance to those sentiments, than in the selection of your Excellency to be His Majesty's Representative in this Island.

We thankfully appreciate the motives which prompt us to assemble together at this early season of the year, when our public duties will most conveniently be discharged, and private avocations.

We have the fullest confidence that your Excellency will receive our co-operation in all measures which have for their object the benefit of the Colony, and we are glad to avail ourselves of your invitation to communicate most frankly and unreservedly to you whenever we may consider that by such communications, objects of public utility will be promoted.

There is much cause to lament that the early frosts prevent the crops of the Colony from arriving at maturity. We are gratified to learn from the returns which the Revenue of the past year exhibits over that of the year 1836, that we obtain and accurate criterion of a comparative developement of the resources of the Colony, and consequent advancement.

The most prompt and respectful attention shall, at all times be afforded to such matters as your Excellency may deem necessary to communicate to us by Message.

We were not unacquainted with the important nature of the Despatches which by direction of His Majesty's Secretary of State for the Colonies have recently been laid before the Legislature of New Brunswick, and to which your Excellency invites our attention; and although these communications are more directly applicable to the Province to which they are addressed, they nevertheless embrace questions of paramount interest to the whole of His Majesty's North American Colonies, as the principles which they involve are not of limited application, but are intended to form the basis of the policy which in His Majesty's judgment it is the wisdom of the parent state to pursue, in reference not only to New Brunswick, but also to the other Colonies of British North America. By this most gratifying and satisfactory system of uniformity in the administration of the Colonial Governments, a principle has happily been established which cannot fail greatly to facilitate the growing prosperity of these Colonies. As regards the concession which has been made to the local Legislatures, by granting to them the free and uncontrolled exercise of their authority over all Revenues hitherto appertaining to the Crown, a principle of self government has been acknowledged far beyond the privileges which these Colonies derive from their original constitution; and the spirit of liberality in which our most gracious and beneficent Sovereign has conceded this boon, proves in an especial manner his anxious desire to afford to his North American subjects the fullest participation in the advantages and privileges which our envied and happy constitution confers upon His Majesty's subjects residing in the parent state.

In these important concessions, we cannot fail to discern a feeling so truly paternal on the part of our most gracious Sovereign, as to impose upon us the pleasing duty of reiterating those sentiments of devoted loyalty to His Royal Person, and of attachment to the parent state, and to constitutional principles, which are in no part of His Majesty's Dominions more generally diffused or more warmly cherished than by the great body of the people of this Colony; and we are firmly convinced that a strict adherence to these principles has rendered the parent state the envy and admiration of the world, and placed her North American Colonies in their present happy and prosperous condition.

The early opportunity which your Excellency embraced of making yourself acquainted with the general state of the Colony, by personal observation, evinced that anxious desire to carry into effect those objects of public advantage and improvement which have subsequently so entirely engrossed the attention of your Excellency; and we are much gratified to learn, that your Excellency's practical experience has enabled you to speak in terms of approbation as regards our internal communications, constructed as they truly have been by the almost unaided efforts of the resident Colonists.

We fully agree with your Excellency in the indispensable necessity of a solid and substantial edifice for the deposit and safe custody of our Public Records, as well as in the expediency of a Provincial Hospital or Infirmary, and we can only attribute the want of these Buildings to the limited resources of the Colony.

The subject of Education to which your Excellency so fully refers, has ever been considered of the highest importance in all civilized States, and the obligation to afford the means required for the general instruction of youth, peculiarly attaches itself to the Legislatures of all rising Colonies; and although exertions have been made by the Legislature of this Colony, for placing this inestimable gift within the reach of all, we are free to admit, that the system which has hitherto been pursued in this respect is capable of much improvement, and your Excellency's suggestions shall receive that respectful and deliberate attention which their importance so justly entitles them to; and we have every confidence that your Excellency's influence with His Majesty's Government will enable you to obtain for the Colony an advantageous disposition of those funds which have been placed at the disposal of His Majesty by the Provincial Legislature.

We observe with satisfaction the disposition in which your Excellency is pleased to recommend a continued cultivation of harmony and unanimity between the two branches, and we receive the recommendation in the spirit in which it is offered, convinced that objects of public utility can only be attained by the existence of a good understanding with each other.

On motion, Ordered, That the said Address be presented to His Excellency by the whole House.

On motion, it was Ordered, that a Committee, consisting of Mr. *Haviland*, Mr. *Brecken*, and Mr. *Smith*, do wait upon His Excellency, to know at what time His Excellency will be pleased to receive the said Address.

Mr. *Haviland*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, reported, that they had waited on His Excellency accordingly, and that His Excellency had appointed Two o'clock to-morrow to receive the same.

Adjourned until One o'clock to-morrow.

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## FRIDAY, January 27th, 1837.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,  
*Mr. Lane*,  
*Mr. Haviland*,

HON. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

### PRAYERS.

**READ** the proceedings of yesterday.

The Council adjourned, to wait upon His Excellency with their Address; and having returned, the President reported, that the House had presented their Address, and that His Excellency had been pleased to return the following answer, viz:

*Mr. President, and Gentlemen of the Legislative Council;*

If any additional motives beyond a sense of public duty had been required to stimulate my endeavours to promote the interests of this Colony, they have been abundantly supplied in the assurances which I have so generally received of confidence and good will; for those which you have now been pleased to express, I beg you to accept my warmest acknowledgments.

Adjourned until One o'clock to-morrow.

**SATURDAY, January 28th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

**PRAYERS.**

**R**EAD the proceedings of yesterday.

*Mr. Brecken* moved for leave to present a Petition from James Peake, and five others, Directors of the Joint Stock Steam Mill Company, praying that an Act may pass to incorporate the said Company.

Leave being granted, the said Petition was received and read.

*Ordered*, That the same do lie on the Table.

Adjourned until Twelve o'clock on Monday next.

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**MONDAY, January 30th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,

HON. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*.

*Mr. Attorney General*.

**PRAYERS.**

**R**EAD the proceedings of Saturday.

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, January 31st, 1837.**

The Council met pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

**PRAYERS.**

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, February 1st, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*.

**PRAYERS.**

**M**R. *Smith* from the Committee appointed to examine into, and report upon the Expiring Laws, reported as follows, viz:

The Act, 1 Will. 4, cap. 1, intituled 'An Act to repeal an Act made and passed in the Tenth year of the Reign of the late King George the Fourth, intituled *An Act for the appointment of Limits and Rules for the Jail of Charlottetown*, and to make other provisions in lieu thereof,' will expire the last day of the present Session.

The Act, 3 Will. 4, cap. 18, intituled 'An Act for the preservation and improvement of the Herring and Alewives' Fisheries of this Island,' will expire the last day of the present Session.

The Act, 3 Will. 4, cap. 21, intituled 'An Act to regulate the weight and quality of Bread within the Town and Royalty of Charlottetown,' will expire the last day of the present Session.

The Act, 5 Will. 4, cap. 7, intituled 'An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island,' will expire the last day of the present Session.

The Act, 5 Will. 4, cap. 14, intituled 'An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand,' will expire the last day of the present Session.

The Act of the second Session of 5 Will. 4, cap. 1, intituled 'An Act to continue Four several Acts therein mentioned,' will expire the last day of the present Session.

The Act, 6 Will. 4, cap. 1, intituled 'An Act to continue for one Year, and to amend an Act of the Fifth year of His present Majesty, for the increase of the Revenue in this Island,' will expire on the 7th day of May next.

*Ordered*, That the said Report do lie on the Table.

Mr. *Haviland* laid before the House a communication from Thomas Owen, Esq. one of the Commissioners appointed on the part of this Island, for the purpose of determining and deciding jointly with the Commissioners appointed by the Provinces of Lower Canada, Nova Scotia and New Brunswick, the fittest sites on the Islands of St. Paul and Scatari, for the erection of Light Houses, together with a copy of the Award and Judgment of the said Commissioners.

*Ordered*, That the said Documents do lie on the Table.

[For the Award above referred to, see Appendix (A.) at the end of the Journal.

Mr. *Attorney General* moved for leave to bring in a Bill for granting Patents for useful inventions.

Leave being granted, the said Bill was brought in and read a first time.

Mr. *Attorney General* moved for leave to bring in a Bill relating to the Titles to Lands acquired under Deed from Sheriffs or Coroners—Leave being granted, the said Bill was brought in and read a first time.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, February 2d, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. Mr. *Wright*,  
Mr. *Lane*,  
Mr. *Haviland*,  
Mr. *Attorney General*,

HON. Mr. *Brecken*,  
Mr. *Smith*,  
Mr. *Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time, the Bill intituled, 'An Act for establishing the Standard Weight of Grain and Pulse, and for the appointment of Officers for measuring and weighing the same.'

A Message from the House of Assembly, by Mr. Palmer, with a Bill intituled "An Act to continue an Act for regulating the weight and quality of Bread within the Town and Royalty of Charlottetown"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Mr. *Wright* obtained leave to absent himself until Monday next.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, February 3d, 1837.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,

HON. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, February 4th, 1837.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,

HON. *Mr. Attorney General*,

*Mr. Haviland*,

*Mr. Smith*.

### PRAYERS.

**M**R. *Attorney General* informed the House, that indisposition prevents Mr. *Brecken* from attending in his place.

*Ordered*, That Mr. *Brecken's* excuse be received.

*Mr. Attorney General* informed the House, that indisposition prevents Mr. *Goodman* from attending in his place.

*Ordered*, That Mr. *Goodman's* excuse be received.

Adjourned until Monday next, at Twelve o'clock.



## MONDAY, February 6th, 1837.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,

HON. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*.

*Mr. Attorney General*,

### PRAYERS.

**R**EAD the proceedings of Saturday.

Read a second time, the Bill for granting Patents for useful Inventions.

*Ordered*, That the said Bill be committed to a Committee of the whole House on Wednesday next.

Read a second time, the Bill relating to the Titles to Lands acquired under Deed from Sheriffs or Coroners.

*Ordered*, That the said Bill be committed to a Committee of the whole House on Wednesday next.

Three Messages from His Excellency the Lieutenant Governor, by the Hon. Mr. Haviland, Acting Colonial Secretary.

### [FIRST MESSAGE.]

J. HARVEY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonial Department, transmitting the copy of a Report of the Lords of the Committee of Council for Trade, dated 9th April, 1836, in reference to an Act passed by the Legislature of this Island on the 6th May, 1835, intituled *An Act for the increase of the Revenue of this Island*.

Government House, 4th February, 1837.

No. 28.

[COPY.]

Downing Street, 18th April, 1836.

SIR,—The Act passed by the Legislature of Prince Edward Island, on the 6th May, 1835, and entitled “An Act for the increase of the Revenue in this Island,” having been referred by His Majesty for the consideration of the Lords of the Committee of His Privy Council for the affairs of Trade, I have the honor to inclose, for your information, a copy of the answer which has been received from their Lordship's Secretary.

You will observe, that their Lordships express their decided objection to that clause of the Act which allows of a partial remission of Duty on such quantities of Goods as are directly bartered for the produce of the Island. As, however, this Act will necessarily expire at a very early date, I have not considered it necessary to advise His Majesty, in the present instance, formally to disallow it. But, in the event of any similar Act being hereafter passed by the Legislature of Prince Edward Island, you will understand that you are not at liberty to give your assent to any provision of the nature of that adverted to in the inclosed communication.

I have, &c.

(Signed)

GLENELG.

Mr. President Wright, Prince Edward Island.

*Office of Committee of Privy Council for Trade, Whitehall, 9th April, 1836.*

SIR,

The Lords of the Committee of Privy Council for Trade have considered the Act passed by the Legislature of Prince Edward Island (No. 424), transmitted with your letter of the 4th ult.; and, in answer to the questions contained in your letter, have directed me to state to you, for the information of Lord Glenelg, that their Lordship's see no objection to an increase of the duty on Rum, which applies equally to British and Foreign Rum, and thus leaves the existing distinction made by the present duties unaltered.

But I am to add, that their Lordships cannot approve of a rule of importation under which a partial remission of duty is made upon those quantities of Goods which are directly bartered for the productions of the place, while those quantities which are sold upon arrival, are held subject to the whole amount. It is very possible that such a Rule may be worked in a manner so as to produce inequalities, which would not, on any account receive the sanction of the Lords of this Committee.

I am, &c.

(Signed)

J. D. HUME.

[SECOND MESSAGE.]

J. HARVEY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonial Department, transmitting copies of two Orders passed by His Majesty in Council, on the 28th April, 1836, relative to certain Acts passed in the year 1835, by the Legislature of this Island.

Government House, 4th February, 1837.

No. 29.

[COPY.]

Downing Street, 29th April, 1836.

SIR—I have had under my consideration the Acts passed by the Legislature of Prince Edward Island in the months of April and May last, and I have to request your attention to the following observations respecting them:

The Act No. 409, for vacating the Seats of the Members of Assembly accepting offices of emolument under the Crown, is free from any objection in principle; but in its details, there are some provisions which are alike new and inconvenient. The seat of a Member accepting office is to be vacated as a matter of course, upon a certificate of the fact, signed by two other Members, being delivered either to the Speaker, if the House be in Session, or to the Governor during the recess. The new Writ will issue as the necessary legal consequence of such a certificate.

I consider this an injudicious innovation. It will constitute any two Members who may assume to themselves that function, judges without appeal upon a question, on which it rather belongs to the House collectively to adjudicate. Whether a particular employment be or be not an office of emolument under the Crown, is not seldom an inquiry of serious difficulty.

Further, there is no exception of the case of Military officers receiving commissions or promotion in the Army. It has not been usual in the Colonies to require the avoidance of a seat on this ground; nor does it seem reasonable so to enlarge the rule, for officers in the Army are, neither in practice nor in theory, advanced in reference to political services; and it is seldom convenient for them to bear the expense of a new election, after having already incurred that of a new commission.

His Majesty's decision upon this Act will therefore be suspended until the Legislature shall have had an opportunity of considering the foregoing objections.

No. 47, respecting Marriages, appears to have been formed under the apprehension that an Act which had been previously passed would be considered objectionable; but as the previous Act has been already confirmed, His Majesty will not make any order on that which has been subsequently passed.

The Act No. 418, establishing a Court for cases of Divorce and Alimony, having a suspending clause, has received His Majesty's special confirmation.

No. 421, authorising the sale of certain Church Lands, appears to have been passed in conformity with the wishes expressed in the Despatches of my predecessors. This Act also has a suspending clause, and has received His Majesty's special confirmation.

The Act No. 424, expires next month, and forms the subject of a separate Despatch.

I transmit herewith an Order passed by His Majesty in Council on the 28th inst., confirming the before mentioned Acts, Nos. 418 and 421, and likewise an Order leaving the remaining Acts of the Session to their operation.

I have the honor to be, &c.

(Signed)

GLENELG.

Mr. President Wright, Prince Edward Island.

AT THE COURT AT ST. JAMES'S, THE 28th APRIL, 1836.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY.

*Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Lord Steward,  
Lord Chamberlain,  
Marquis of Winchester,  
Earl of Albemarle,  
Earl of Minto,  
Lord John Russell,*

*Viscount Palmerston,  
Viscount Melbourne,  
Viscount Howick,  
Lord Holland,  
Lord Hill,  
Lord Glenelg,  
Mr. Poulett Thomson,  
Sir John Hobhouse, Bart.  
Mr. Chancellor of the Exchequer.*

Whereas the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the year 1835, pass Twelve Acts, which have been transmitted, entitled as follows, viz.

No. 410.—'An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of imprisonment.'

No. 411.—'An Act to explain and amend the Act relating to Trespasses.'

No. 412.—'An Act authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by default.'

No. 413.—'An Act concerning the property of the Methodist Society at Charlottetown.'

No. 414.—'An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin.'

No. 415.—'An Act to make more effectual provision for preventing the spreading of infectious distempers within this Island.'

No. 416.—'An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.'

No. 419.—'An Act to amend and render perpetual certain Laws now in force relating to Treasury Notes.'

No. 420.—'An Act to prevent Hawkers and Pedlars travelling and selling within this Colony without a License.'

No. 422.—'An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand.'

No. 423.—'An Act to continue four several Acts therein mentioned.'

No. 425.—'An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five.'

And whereas the said Acts have been referred to the Committee of the Lords of His Majesty's most Honorable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have reported as their opinion to His Majesty, that the said Acts should be left to their operation: His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to approve the said Report: whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island of Prince Edward, for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. L. BATHURST.

AT THE COURT AT ST. JAMES'S, THE 28th OF APRIL, 1836.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY.

*Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Lord Steward,  
Lord Chamberlain,  
Marquis of Winchester,  
Earl of Albemarle,  
Earl of Minto,  
Lord John Russell,*

*Viscount Palmerston,  
Viscount Melbourne,  
Viscount Howick,  
Lord Holland,  
Lord Hill,  
Lord Glenelg,  
Mr. Poulett Thomson,  
Sir John Hobhouse, Bart.  
Mr. Chancellor of the Exchequer.*

Whereas the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the year 1835, pass two Acts, which have been transmitted, entitled as follows, viz:

No. 418.—'An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned.'

No. 421.—'An Act to authorize the Sale of Lands in this Island, reserved as sites for Churches and for Glebe and School Lands.'

And whereas the said Acts have been referred to the Committee of the Lords of His Majesty's most Honorable Privy Council appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to His Majesty, that the said Act should receive His Majesty's special confirmation: His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare his special confirmation of the said Acts; and the same are hereby specially confirmed, ratified, and finally enacted accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

W. L. BATHURST.

[THIRD MESSAGE.]

J. HARVEY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonial Department, transmitting the Extract of a Report of the Lords of the Committee of Council for Trade, together with an Order of His Majesty in Council, of the 28th April, 1836, disallowing the Act passed by the Legislature of this Island in the year 1833, for incorporating the Trustees of Saint Andrew's College.

Government House, 4th February, 1837.

[COPY.]

No. 30.

Downing Street, 30th April, 1836.

SIR—I have the honor to acknowledge the receipt of your Despatch, No. 9, — March last, including the Report of the Attorney General respecting an Act, No. 363, of Prince Edward Island, for incorporating the Trustees of Saint Andrew's College. As I find by this Report that no inconvenience will be experienced by the disallowance of this Act, it has been disallowed by His Majesty in Council, for the reasons stated in my Despatch No. 16, of the 21st November last; and I transmit the Order herewith.

I have the honor to be, &amp;c.

(Signed)

GLENELG.

Mr. President Wright, Prince Edward Island.

*Extract of a Report from the Lords of the Committee of Council for Trade, dated 26th April, 1836.*

“ The Lords of the Committee have this day had the said Act under their consideration.

“ This Act does not explain what are the Trusts on which the property of the Corporation is to be holden. —That the constitution of that Corporate Body is not fixed and determinate, but will depend upon the opinion of the Trustees for the time being.—That it contains no provision for securing the good management of the College, or for the forfeiture of the Charter in the event of any neglect or abuse.—That the provision made for perputating the Trust, by new elections, is inferred—and that the terms employed to determine the qualification of Trustees are indefinite, and susceptible of various and even opposite constructions.

“ For the reasons above stated, the Lords of the Committee are humbly of opinion that this Act should be disallowed.”

AT THE COURT AT ST. JAMES'S, THE 28th OF APRIL, 1836.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY.

Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Lord Steward,  
Lord Chamberlain,  
Marquis of Winchester,  
Earl of Albemarle,  
Earl of Minto,  
Lord John Russell,

Viscount Palmerston,  
Viscount Melbourne,  
Viscount Howick,  
Lord Holland,  
Lord Hill,  
Lord Glenelg,  
Mr. Poulett Thompson,  
Sir John Hobhouse, Bart.  
Mr. Chancellor of the Exchequer.

Whereas the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the year 1833, pass an Act, which has been transmitted, entitled as follows, viz:

No. 363.—‘ An Act to incorporate the Trustees of Saint Andrew's College, in King's County.’

And whereas the said Act has been referred to the Committee of the Lords of His Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have reported as their opinion to His Majesty, that the said Act should not receive His Majesty's Royal confirmation: His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act; and the same is hereby disallowed accordingly: whereof the Governor, Lieutenant Governor or Commander in Chief of His Majesty's Island Prince Edward, for the time being, and all other persons whom it may concern, are to take notice notice and govern themselves accordingly.

W. L. BATHURST.

Which being read—

*Ordered*, That the said Documents do lie on the Table.

Adjourned until Twelve o'clock to-morrow.

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**TUESDAY, February 7th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Attorney General*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Binns, with a Bill, intituled 'An Act relating to Merchant Seamen', to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

*Ordered*, That the said Bill do stand for a second reading on Thursday next.

Read a third time, and passed, the Bill intituled "An Act for establishing the Standard Weight of Grain and Pulse, and for the appointment of Officers for Measuring and Weighing the same."

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, February 8th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Attorney General*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Pursuant to the Order of the Day, the House resolved itself into a Committee of the whole, to take into consideration the Bill for granting Patents for useful Inventions.

*Mr. Attorney General* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and had agreed to the same without any amendment.

*Ordered*, That the Report of the Committee be agreed to, and that the said Bill be engrossed.

On motion, the House resolved itself into a Committee of the whole, to take into consideration the Bill relating to Titles to Land, acquired under Deeds from Sheriffs or Coroners.

*Mr. Attorney General* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

*Mr. Brecken*, by leave, presented a Petition from certain Inhabitants of Charlottetown Royalty, setting forth—that from the proceedings which took place last Session, with regard to the Roads in the said Royalty, which materially affect important private rights, Petitioners are fearful of similar proceedings this Session, and praying that any measure which this House may pass into a Law, may go to confirm the Lines of Road as they now stand, and leave all private rights unaffected by Legislative enactment—which being read,

*Ordered*, That the said Petition do lie on the Table.

Read a second time, the Bill intituled “An Act to continue an Act for regulating the Weight and Quality of Bread within the Town and Royalty of Charlottetown.”

Adjourned until Twelve o'clock to-morrow.

**THURSDAY, February 9th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Pursuant to the Order of the day, the Bill intituled "An Act relating to Merchant Seamen," was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House on Monday next.

Read a third time, and passed, the Bill for granting Patents for Useful Inventions.

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

*Mr. Lane* gave notice of his intention to move for leave to bring in a Bill to prevent the running at large of Cattle in the Town of Charlottetown.

*Mr. Attorney General* gave notice of his intention to move for leave to bring in a Bill to authorize the appointment of Coroners in the several Counties within this Island.

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, February 10th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Adjourned until Twelve o'clock to-morrow.



**SATURDAY, February 11th, 1837.**

The Council met pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Mr. Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**PRAYERS.**

**A** MESSAGE from the House of Assembly, by Mr. James, with a Bill intituled "An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and Navigable Rivers"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

**Ordered**, That the said Bill do stand for a second reading on Monday next.

*Mr. Attorney General*, pursuant to notice given, moves for leave to bring in a Bill to authorize the appointment of Coroners in the several Counties within this Island.

Leave being granted, the said Bill was brought in and read a first time.

**Ordered**, That the said Bill do stand for a second reading on Tuesday next.

A Message from the House of Assembly, by Mr. Macdonald, with a Bill intituled "An Act to Incorporate the Steam Mill Company of Charlottetown," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

**Ordered**, That the said Bill do stand for a second reading on Tuesday next.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill relating to Titles to Lands acquired under Deed from Sheriffs or Coroners.

*Mr. Attorney General* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the further consideration of the said Bill, and had agreed to the same, with several amendments.

**Ordered**, That the Report of the Committee be agreed to, and that the said Bill be engrossed.

Adjourned until Monday next, at Twelve o'clock.

**MONDAY, February 13th, 1837.**

The Council met pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Mr. Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**PRAYERS.**

**R**EAD the proceedings of Saturday.

Pursuant to Order the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act relating to Merchant Seamen."

*Mr. Smith* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, had made some progress therein, and that he was directed by the Committee to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Read a second time, the Bill intituled "An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and Navigable Rivers."

*Ordered*, That the said Bill be committed to a Committee of the whole House on Wednesday next.

On motion, the House resolved itself into a Committee of the whole to take into consideration the Bill intituled "An Act to continue an Act for regulating the Weight and Quality of Bread within the Town and Royalty of Charlottetown."

*Mr. Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and agreed to the same, with the following amendment, viz:

*Folio 1, line 13*—Strike out the word "Ten," and insert the word "One."

*Ordered*, That the Report of the Committee be agreed to, and that the amendment be engrossed.

Adjourned until Two o'clock to-morrow.

## TUESDAY, February 14th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Attorney General*,  
*Mr. Brecken.*

PRAYERS.

At half-past Three o'clock, p. m. there not being a quorum, the President adjourned the House until Twelve o'clock to-morrow.

## WEDNESDAY, February 15th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,  
*Mr. Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

HON. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman.*

PRAYERS.

**R**EAD a second time, the Bill to authorize the appointment of Coroners in the several Counties within this Island.

On motion, the House resolved itself into a Committee of the whole, to take into consideration the said Bill.

*Mr. Attorney General* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and had agreed to the same, with several amendments.

*Ordered*, That the Report of the Committee be agreed to, and that the said Bill be engrossed.

Read a third time, and passed, the Bill intituled "An Act relating to the Titles to Lands required under Deed from Sheriffs or Coroners."

*Ordered*, That the said Bill be sent down to the House of Assembly for their concurrence.

Read a third time, and passed, the Bill intituled "An Act to continue an Act for regulating the Weight and Quality of Bread within the Town and Royalty of Charlottetown," with the amendment.

*Ordered*, That the said Bill, with the amendment, be sent down to the House of Assembly for their concurrence

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill, intituled "An Act relating to Merchant Seamen."

Mr. *Smith* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the further consideration of the said Bill, and had agreed to the same, with the following amendments, viz:

*Folio 2, line 18*—After the word "Island," insert "of the burthen of Sixty Tons or upwards."

*Folio 21, line 22*—Strike out the word "Two" and insert the word "Ten."

*In the Title*—After the word "Seamen," insert "of this Island."

*Ordered*, That the Report of the Committee be agreed to, and that the amendments be engrossed.

On motion, the House resolved itself into a Committee of the whole to take into consideration the Bill, intituled "An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and Navigable Rivers."

Mr. *Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, had made some progress therein, and that he was directed by the Committee to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. Palmer, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act to repeal the Laws now in force, for regulating Pounds, and to make more effectual provision for that purpose."

A Bill intituled "An Act to amend the several Acts of this Island, relating to Small Debts."

A Bill intituled "An Act to amend the Act relating to Bathing in the Waters near Charlottetown."

Also, with the Bill intituled "An Act for granting Patents for useful Inventions, agreed to, with certain amendments, to which they desire the concurrence of the Legislative Council.

Read a first time, the following Bills, viz:

A Bill intituled "An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision for that purpose."

A Bill intituled "An Act to amend the several Acts of this Island relating to Small Debts."

Also, a Bill intituled "An Act to amend the Act relating to Bathing in the Waters near Charlottetown."

*Ordered*, That the said Bills do severally stand for a second reading to-morrow.

Read a second time, the Bill intituled "An Act to incorporate the Steam Mill Company of Charlottetown."

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow.

On motion, the amendment made by the House of Assembly to the Bill intituled "An Act for granting Patents for useful Inventions, were read, and are as follows, viz:

*Folio 6, last line*—After the word "same," insert "and."

*Folio 9, line 13*—After the word "sum," insert "equal to three times the actual damage sustained by such "Patentee or Patentees, his, her or their Executors, Administrators or Assigns."

On motion, *Ordered*, that the said amendments be agreed to.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Mr. *Attorney General* moved for leave to bring in a Bill to confirm certain Sales of Lands and Tenements, under the Act of the Legislature of this Island, to enable Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors.

Leave being granted, the said Bill was brought in and read a first time.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, February 16th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill intituled "An Act for granting Patents for Useful Inventions," with the amendments.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to their amendments.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and Navigable Rivers."

Mr. *Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the further consideration of the said Bill, had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. Pope, with a Bill intituled "An Act to authorize the appointment of a Sheriff for each of the Counties in this Island"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

*Ordered*, That the said Bill do stand for a second reading on Monday next.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and Navigable Rivers."

Mr. *Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the further consideration of the said Bill, and had agreed to the same, without any amendment.

*Ordered*, That the Report of the Committee be agreed to.

On motion, the said Bill was read a third time and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act to Incorporate the Steam Mill Company of Charlotte-town."

Mr. *Lane* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, had made some progress therein, and that he was directed by the Committee to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Read a second time, the Bill intituled "An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision for that purpose."

On motion, the House resolved itself into a Committee of the whole, to take the said Bill into consideration.

Mr. *Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and had agreed to the same, with the following amendment, viz:

*Folio 1, line 6*—Strike out the words “ for that purpose,” and insert “ in lieu thereof.”

*Ordered*, That the Report of the Committee be agreed to, and that the amendment be engrossed.

Read a second time, the Bill intituled “ An Act to amend the several Acts of this Island relating to Small Debts.”

On motion, the House resolved itself into a Committee of the whole, to take the said Bill into consideration.

Mr. *Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, had made some progress therein, and that he was directed by the Committee to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Read a second time, the Bill intituled “ An Act to amend the Act relating to bathing in the Waters near Charlottetown.”

Adjourned until Twelve o'clock to-morrow.

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## FRIDAY, February 17th, 1837.

The following Members of Council met, viz:

HON. *Mr. Lane*,

*Mr. Attorney General*,

*Mr. Brecken*,

*Mr. Smith*.

The President being unable to attend, owing to the state of the weather, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, February 18th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

HON. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Thursday.

Two Messages from His Excellency the Lieutenant Governor, by the Hon. Thomas H. Haviland, Acting Colonial Secretary.

[FIRST MESSAGE.]

J. HARVEY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honorable the Secretary of State for the Colonial Department, inclosing a copy of a Letter from the Lords Commissioners of His Majesty's Treasury, approving of the Lieutenant Governor's recommendation, that the custody of the Government House and Furniture should be vested in a Committee of the Colonial Legislature.

Government House, 11th February, 1837.

No. 41.

[COPY.]

Downing Street, 5th December, 1836.

SIR,

Having referred your Despatch, No. 9, of the 9th of October, for the consideration of the Lords Commissioners of the Treasury, with whom originated the regulations for the safe custody of the Furniture provided at the public expense for the Government Houses in the several Colonies, I have now received a Letter, of which I enclose a Copy, conveying their Lordships' approval of the arrangement proposed by you, for vesting the charge of your residence, and of the public Furniture in it, in a Committee of the Colonial Legislature.

I have the honor to be, &c.

(Signed)

GLENELG.

Colonel Sir John Harvey, K. C. H.,  
 &c.      &c.      &c.

[COPY.]

TREASURY CHAMBERS, 30th November, 1836.

SIR—With reference to your letter of the 19th instant, inclosing Copy of a Despatch from the Lieutenant Governor of Prince Edward Island, in which he recommends that the custody of the Government House and Furniture should be vested in a Committee of the Colonial Legislature, as the House and Furniture



were provided out of Colonial funds—I am directed by the Lords Commissioners of His Majesty's Treasury to acquaint you, for the information of Lord Glenelg, that, adverting to the manner in which the expense of furnishing the Government House at Prince Edward Island is stated to have been provided for, my Lords approve of the arrangement proposed by Sir John Harvey, in regard to the custody of the Furniture.

I am, &c.

(Signed)

A. J. SPEARMAN.

James Stephen, Esq. &c. &c.

[SECOND MESSAGE.]

J. HARVEY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch received from the Right Honorable the Secretary of State for the Colonial Department, upon the subject of Prison Discipline in this Island; and in bringing under the consideration of the House of Assembly the necessity which exists for the adoption of some wholesome regulations for the internal management of the different Jails, the Lieutenant Governor cannot do better than refer the House of Assembly to the Evidence on the general question of Prison Discipline, taken before the House of Lords, a copy of which, the Lieutenant Governor has been informed, was laid before the House of Assembly in its last Session.

Government House, 14th February, 1837.

[COPY.]

Downing Street, 20th June, 1836.

SIR—I have the honor to acknowledge the receipt of your Despatch of the 3d May, No. 11, transmitting, in reply to my Circular Despatch of the 28th November last, a Report on the state of the Gaols in Prince Edward Island.

It would appear from this Report, that the existing Buildings are more than sufficient for the average number of persons confined in them; but I observe that the regulations established for their internal arrangement are deficient in some very important particulars.—Thus it is stated, in answer to my inquiry on that point, that ‘the several Gaols contain separate rooms for Debtors, and Cells for Criminals, but there are no particular rules established for their classification.’ This, however, is one of the most essential principles of Prison Discipline, a principle, without the strict observance of which, all other regulations must be nugatory. From the answer which I have quoted above, I am left in doubt, whether there is even any separation in the sexes, or any seclusion of those who are merely committed for trial, from those who have been convicted. I have to desire that you will lose no time in taking the necessary steps for enforcing the strict classification of all prisoners within the Gaols of Prince Edward Island; and considering the facilities afforded by the size of the Buildings for effecting this important arrangement, you must allow me to express my regret that it should have been so long neglected. I cannot offer you any more useful information for your guidance in this matter than is contained in the evidence on the question, taken before the House of Lords, a copy of which was inclosed in my Despatch of the 28th November.

It is stated that no provision is made for the instruction of Prisoners—that there is no Chaplain to the Gaols—and that there are no Magistrates specially appointed for visiting them. From the silence of the persons who drew up this Report, I should be further led to infer, with reference to the latter point, that the Magistrates of the Colony have not been in the habit of inspecting the Prisons; but I am unwilling to believe that so essential a duty can have been hitherto neglected. I wish, therefore, to receive a further report from you on this subject.—If the existing law in Prince Edward Island does not commit to the magistracy the superintendence of the Prisons, it will be necessary that the deficiency should be brought before the Legislature at its next meeting.—If the superintendence is already intrusted to the Magistracy, I feel confident that those gentlemen will only require to be reminded of the importance of the subject, to insure a frequent exercise of this part of their functions.—And I would moreover observe, that the occasional inspection

of the Prisons by the Administrator of the Government, would at once offer a useful example to the subordinate Magistracy, and would insure a strict attention to Prison Discipline.—But it would be essential, with a view to the latter object, that those visits should not be at any regular or stated periods, or when they could be foreseen. On the question of providing for the religious and moral instruction of the Prisoners, I must refer you to the Colonial Legislature. You will, at their next Session, suggest to them the propriety of making some provision for that service.

I shall be happy hereafter to receive from you any further information on this subject, which you may be able to furnish. It is one, the importance of which, both on considerations of justice and humanity, I need scarcely point out; and I feel confident, that when your own authority may be inadequate for the correction of any deficiencies which may be found to exist, that of the Colonial Legislature will not be invoked by you in vain.

I have, &c.

(Signed)

GLENELG.

The Acting Governor of Prince Edward Island.

*Ordered*, That the foregoing Documents do lie on the Table.

Read a third time, and passed, the Bill intituled “ An Act relating to Merchant Seamen,” with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly for their concurrence.

Read a third time, and passed, the Bill intituled “ An Act for regulating Pounds, and to make more effectual provision for that purpose,” with the amendment.

*Ordered*, That the said Bill, with the amendment, be sent down to the House of Assembly, for their concurrence.

Read a third time, and passed, the Bill intituled “ An Act to authorize the appointment of Assistant Coroners in the several Counties within this Island.”

*Ordered*, That the said Bill be sent down to the House of Assembly for their concurrence.

A Message from the House of Assembly, by Mr. Pope, with a Bill intituled “ An Act for consolidating and amending the Acts for the appointment of Limits and Rules for the Jails in this Island,” to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject of the Public Accounts, and have appointed Mr. Thornton, Mr. Pope, Mr. Macdonald and Mr. Green, a Committee to manage the said Conference.

Read a first time, the Bill intituled “ An Act for consolidating and amending the Acts for the appointment of Limits and Rules for the Jails in this Island.”

On motion, *Ordered*, that a Conference be agreed to, as is desired by the House of Assembly, on the Public Accounts.

*Ordered*, That Mr. Lane and Mr. Brecken be a Committee to manage the same, to meet in the Committee Room instanter.

*Ordered,* That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, that the Bill intituled "An Act to amend the Act relating to Bathing in the Waters near Charlottetown," be read a third time.

It was moved as an amendment, that the said Bill be read a third time this day three months.

The House divided on the amendment:

**CONTENTS.**

*Mr. Lane,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Goodman.*

**NON-CONTENTS.**

*The Chief Justice,*  
*Mr. Smith.*

And it passed in the affirmative.

Read a second time, the Bill intituled "An Act to confirm certain Sales of Lands and Tenements, made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors."

*Ordered,* That the said Bill be committed to a Committee of the whole House on Monday next.

The Committee appointed to meet the Committee of the House of Assembly on the Public Accounts, having gone to the Conference, and returned, reported the substance thereof.

Adjourned until Monday next, at One o'clock.

## MONDAY, February 20th, 1837.

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright,*

HON. *Mr. Brecken,*

*Mr. Lane,*

*Mr. Smith,*

*Mr. Haviland,*

*Mr. Goodman.*

*Mr. Attorney General,*

**PRAYERS.**

**READ** the proceedings of Saturday.

Pursuant to the Order of the Day, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act to confirm certain Sales of Lands and Tenements made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the effects of their absent or absconding Debtors."

*Mr. Attorney General* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and agreed to the same, with certain amendments.

*Ordered*, That the Report of the Committee be agreed to, and that the said Bill be engrossed.

Pursuant to Order, the Bill intituled "An Act for consolidating and amending the Acts for the appointment of Limits and Rules for the Jails in this Island," was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House on Saturday next.

Read a second time, the Bill intituled "An Act to authorize the appointment of a Sheriff for each of the Counties in this Island."

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow.

Adjourned until Twelve o'clock to-morrow.

## TUESDAY, February 21st, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill intituled "An Act to confirm certain Sales of Lands and Tenements, made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the effects of their absent or absconding Debtors."

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

A Message from the House of Assembly, by *Mr. Thornton*.

*Mr. President*,

The House of Assembly desire a Conference with the Legislative Council, on the subject matter of the amendment made by the Council to the Bill intituled "An Act to continue an Act for regulating the Weight and Quality of Bread within the Town and Royalty of Charlottetown," and have appointed *Mr. Pope*, *Mr. Binns*, *Mr. Thornton* and *Mr. Green* a Committee to manage the said Conference.

On motion, Ordered, that a Conference be agreed to, as is desired by the House of Assembly, on the amendment made to the Bill intituled "An Act to continue an Act for regulating the Weight and Quality of Bread within the Town and Royalty of Charlottetown."

Ordered, That Mr. *Attorney General* and Mr. *Brecken* be a Committee to manage the same, to meet in the Committee Room instantler.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported, that they had met the Committee of the House of Assembly, who had delivered to them their reasons for disagreeing to the amendment of the Council to the said Bill; and the said reasons were read and are as follows, viz:

That the said Act having been in operation for several years, and the Council not having disapproved of any of the provisions of the Bill in question, but merely amended it, by limiting its duration to one year, the House of Assembly submit, that the annual reconsideration by the Legislature of such Acts as are found beneficial in their operation, unless with a view to their amendment, in principle or detail, appears unnecessary, and causes a loss of time, and consequent expenditure of the public money, by occupying the attention of the Legislature, without producing any beneficial results.

On motion, Resolved, that an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to use his influence with the Imperial Government, to procure for the use of the Legislature of this Island, copies of the State Records, as presented to the neighbouring Colonies, together with the Journals of the Houses of Lords and Commons, including their Standing Orders; and that the House of Assembly be requested, by Message, to join in the said Address.

Ordered, That Mr. *Brecken* and Mr. *Goodman* be a Committee, on the part of this House, to prepare the said Address.

Ordered, That a copy of the foregoing Resolution and Order be sent down to the House of Assembly.

Pursuant to the Order of the Day, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act to authorize the appointment of a Sheriff for each of the Counties in this Island."

Mr. *Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, had made some progress therein, and that he was directed to move that they may have leave to sit again.

Ordered, That the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, February 22d, 1837.**

The following Members of Council met, viz:

HON. *Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Smith.*

**T**HE President being unable to attend, owing to the state of the weather, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

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**THURSDAY, February 23d, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane,*  
*Mr. Attorney General,*  
*Mr. Brecken,*

HON. *Mr. Smith,*  
*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of Tuesday.

Mr. *Smith*, by leave, presented a Petition from William Cranston, and others, proprietors of Pasture Lots in the Royalty of Charlottetown, and the same was received and read; setting forth—that from the very inaccurate manner in which the Roads in the said Royalty are laid off, the Petitioners have experienced great loss and inconvenience, and praying this House to adopt such measures as will tend to remedy the evil complained of.

*Ordered*, That the said Petition do lie on the Table.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, February 24th, 1837.

The following Members of Council met, viz:

HON. *Mr. Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,  
*Mr. Smith*.

**T**HE President being unable to attend, owing to the state of the weather, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, February 25th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

HON. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Thursday.

Pursuant to the Order of the Day, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act for consolidating and amending the Act for the appointment of Limits and Rules for the Jails in this Island."

*Mr. Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, had made some progress therein, and that he was directed by the Committee to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

On motion, *Ordered*, That *Mr. Haviland*, *Mr. Attorney General* and *Mr. Brecken*, be a Committee to prepare and bring in a Bill to regulate the Boundaries of the Streets and Squares of Charlottetown, in conformity with the Resolution of this House passed in the last Session.

Adjourned until Twelve o'clock on Monday next.

**MONDAY, February 27th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,

HON. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Saturday.

*Mr. Smith* informed the House that indisposition prevents *Mr. Wright* from attending in his place.

*Ordered*, That *Mr. Wright's* excuse be received.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act to authorize the appointment of a Sheriff for each of the Counties in this Island."

*Mr. Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the said Bill, and had agreed to the same, with the following amendments, viz:

*Folio 3, line 10*—After the word "County," insert "be invested with the same powers and authority in all respects, as the High Sheriff of this Island is now invested with, and shall."

*Same folio, line 12*—After the word "enactments," insert the word "penalties."

*Ordered*, That the Report of the Committee be agreed to, and that the amendments be engrossed.

On motion, the said Bill was read a third time, and passed, with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly for their concurrence.

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, February 28th, 1837.**

The following Members of Council met, viz:

HON. *Mr. Lane*,

HON. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

**T**HE President being unable to attend owing to the state of the Roads, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.



## WEDNESDAY, March 1st, 1837.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,

HON. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of Monday last.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act for consolidating and amending the Act for the appointment of Limits and Rules for the Jail in this Island."

*Mr. Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the further consideration of the said Bill, had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by *Mr. Pope*, with a Bill intituled "An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island," to which they desire the concurrence of the Legislative Council.

Also, with the Bill intituled "An Act to confirm certain Sales of Lands and Tenements made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the effects of their absent or absconding Debtors"—passed, with certain amendments, to which they desire the concurrence of the Legislative Council.

And the Bill intituled "An Act relating to the Titles to Lands acquired under Deed from Sheriffs or Coroners"—passed with certain amendments, to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:

In the House of Assembly, February 27th, 1837.

*Mr. President*,

*Resolved*, That this House doth concur with the Legislative Council, in the expediency of presenting a joint Address to His Excellency the Lieutenant Governor, praying that he will be pleased to use his influence with the Imperial Government, to procure for the use of the Legislature of this Island, copies of the State Records, as presented to the neighbouring Colonies, together with the Journals of the Houses of Lords and Commons, including their Standing Orders.

*Ordered*, That *Mr. Pope*, *Mr. Thornton*, *Mr. Palmer* and *Mr. Macdonald*, be a Committee, on the part of this House, to prepare the said Address.

**Ordered,** That the said Resolution be communicated by Message to the Legislative Council.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act for consolidating and amending the Acts for the appointment of Limits and Rules for the Jails in this Island."

Mr. *Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 3, line 2*—Strike out from the word "and," to the word "Lots," inclusive, and insert "including the Wharves and Water Lots, and within the Common Lots and Royalty."

*Same folio, line 9*—Strike out from the word "and," to the word "Lots," inclusive, and insert "including the Wharves and Water Lots, and within the Common and Royalty."

*Folio 11, line 2*—Strike out from the word "all," to the word "and," in the eighth line, inclusive.

*Title, line 2*—Strike out the word "Acts," and insert the word "Act."

*line 5*—Strike out from the word "Jails," to the word "Island," inclusive, and insert "Jail of Charlottetown, and the Act for regulating the Jails of King's and Prince Counties."

**Ordered,** That the Report of the Committee be agreed to, and that the amendments be engrossed.

A Message from the House of Assembly, by Mr. M'Callum, with the following Bills agreed to, as amended by the Legislative Council, viz:

A Bill intituled "An Act relating to Merchant Seamen of this Island."

A Bill intituled "An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision in lieu thereof."

Read a first time, the Bill intituled "An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island."

On motion, the amendments made by the House of Assembly to the Bill intituled "An Act to confirm certain Sales of Lands and Tenements, made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the effects of their absent or absconding Debtors," were read a first time, and are as follow, viz:

*Folio 1, line 17*—After the word "Debtors," insert "upon a verbal award of judgment by the Court, entered on the minutes by the Prothonotary, but."

*Folio 3, line 20*—After the word "notwithstanding," strike out "any want of such judgment," and insert "the want of any record or docquet of any such judgments."

On motion, the amendments made by the House of Assembly to the Bill intituled "An Act relating to the Titles to Lands acquired under Deed from Sheriffs or Coroners," were read a first time, and are as follow, viz:

*Folio 3, line 8*—At the end of the clause, insert "Provided always, that nothing in this Act contained shall extend, or be construed to extend, to affect the rights of the parties, or either of them, in any cause of action, in any suit which may have already been commenced, and now pending, in any way relating to Lands or Tenements so sold as aforesaid."

*In the Schedule*—Strike out: "Under Sheriff for the County of \_\_\_\_\_ or for the said Island," and instead thereof, insert "Sheriff, Under Sheriff, or Coroner, for."

Adjourned until Twelve o'clock to-morrow.

**THURSDAY, March 2d, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

HON. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill intituled "An Act for consolidating and amending the Acts for the appointment of Limits and Rules for the Jails in this Island," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

Read a second time, the Bill intituled "An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island."

On motion, the House resolved itself into a Committee of the whole, to take the same into consideration.

*Mr. Attorney General* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, without any amendment.

*Ordered*, That the Report of the Committee be agreed to.

On motion, the said Bill was read a third time and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Read a second time, the Amendments made by the House of Assembly to the Bill intituled "An Act to confirm certain Sales of Lands and Tenements made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the effects of their absent or absconding Debtors."

Read a second time, the amendments made by the House of Assembly to the Bill intituled "An Act relating to the Titles to Lands acquired under Deed from Sheriffs or Coroners."

*Mr. Attorney General* obtained leave to absent himself for two days.

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, March 3d, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,  
*Mr. Brecken*,

HON. *Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, the amendments made by the House of Assembly to the Bill intituled "An Act to confirm certain Sales of Lands and Tenements made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the effects of their abserrt or absconding Debtors," were read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to their amendments.

Read a third time, and passed, the Amendments made by the House of Assembly, to the Bill intituled "An Act relating to the Titles to Lands acquired under Deed from Sheriffs or Coroners."

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to their amendments.

A Message from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly have agreed to the amendments of the Legislative Council to the Bill intituled "An Act to authorize the appointment of a Sheriff for each of the Counties in this Island," with an amendment, to which they desire their concurrence.

And the said amendment was read a first time, and is as follows, viz:

After "Sheriff," in the last line of the amended clause of the Bill, insert the following clause:—  
"And be it further enacted, that from and after the passing of this Act, it shall not be necessary  
"for any Sheriff to notify the Members of the Legislature to attend the sittings thereof, but  
"that the usual Proclamation in the *Royal Gazette*, or other authorized Publication, for convening the General Assembly, should be deemed sufficient notice, unless in cases of peculiar  
"urgency, the Administrator of the Government shall deem a special notification of the Members expedient—any Law, usage or custom to the contrary in any wise notwithstanding."

On motion, the said amendment was read a second time.

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, March 4th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,  
*Mr. Haviland*,  
*Mr. Brecken*,

HON. *Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, the amendment made by the House of Assembly to the amendments of the Council to the Bill intituled "An Act to authorize the appointment of a Sheriff for each of the Counties in this Island," was read a third time.

On motion, Ordered, that this House do agree to the said amendment.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until Twelve o'clock on Monday next.

**MONDAY, March 6th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

HON. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Saturday.

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, March 7th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

A Message from the House of Assembly, by Mr. Palmer, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act to repeal certain parts of an Act intituled *An Act for the Limitation of Actions, and for avoiding Law Suits*, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof."

A Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown."

And also,

Mr. President,

The House of Assembly have agreed to the amendments made by the Legislative Council, to the Bill intituled "An Act for consolidating and amending the Acts for the appointment of Limits and Rules for the Jails in this Island," with certain amendments, to which they desire the concurrence of the Legislative Council.

Read a first time, the Bill intituled "An Act to repeal certain parts of an Act intituled *An Act for the Limitation of Actions, and for avoiding Law Suits*, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof."

On motion, the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown," was read a first time.

On motion, the amendments made by the House of Assembly to the amendments of the Council to the Bill intituled "An Act for consolidating and amending the Acts for the appointment of Limits and Rules for the Jails in this Island," were read a first time, and are as follow:

*Folio 1, line 12*, of the amendments—Strike out "the Common and Royalty," and insert "all that tract of land, bounded on the West by the Eastern Boundary of Township Numbers Fifty-two, and on the East, North and South, by Cardigan Bay and River, and Albion Bay and Brudenell River."

*Folio 3, line 10*, of the Bill—Strike out "of the said Town."

*Mr. Haviland*, from the Committee appointed to prepare and bring in a Bill to regulate the Boundaries of the Streets and Squares of Charlottetown, presented to the House a Bill, as prepared by the Committee, and the same was received and read a first time.

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, March 8th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Mr. Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**PRAYERS.**

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Macdonald, with the Bill intituled "An Act to provide Seed Grain and Potatoes, for certain Settlers, and to regulate the distribution thereof, and mode of re-payment," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the said Bill was read a second time.

*Ordered*, That the said Bill be read a third time to-morrow.

Read a second time, the Bill intituled "An Act to repeal certain parts of an Act intituled *An Act for the Limitation of Actions, and for avoiding Law Suits*, so far as the same relates to Actions concerning Real Estate, and to make other provisions in lieu thereof."

*Ordered*, That the said Bill be committed to a Committee of the whole House on Friday next.

Read a second time, the amendments made by the House of Assembly to the amendments made by the Council, to the Bill intituled "An Act for consolidating and amending the Acts for the appointment of Limits and Rules for the Jails in this Island.

On motion, the said amendments were read a third time.

*Ordered*, That this House do agree to the said amendments.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until Twelve o'clock to-morrow.

**THURSDAY, March 9th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Pursuant to Order, the Bill intituled "An Act to provide Seed Grain and Potatoes for certain Settlers, and to regulate the distribution thereof, and mode of repayment, was read a third time."

*Ordered*, That the said Bill do pass.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, March 10th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Two Messages from His Excellency the Lieutenant Governor, by the Hon. Thomas H. Haviland, Acting Colonial Secretary.



## [FIRST MESSAGE.]

J. HARVEY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, copy of a Circular Despatch received by him from the Right Honorable Lord Glenelg, relative to a communication from the Master General and Board of Ordnance, in which it is stated, that the powers vested in that Department over the Lands granted or conveyed to them in many of the British Colonies, are not sufficiently formal and comprehensive to answer all the purposes required; and the Lieutenant Governor, in recommending the House to pass a Bill, conferring on the principal Officers of the Ordnance, the power that Board are desirous of obtaining over the Lands vested in them in this Colony, lays before the Legislative Council, for their information, the draught of a Bill which has been submitted to the consideration of the Legislature of Upper Canada, together with copies of two Acts of the Imperial Parliament, conferring similar powers on that Board in Great Britain.

Government House, March 10th, 1837.

## [CIRCULAR.]

Downing Street, 11th November, 1836.

SIR,

I have received a communication from the Master General and Board of Ordnance, stating, that in many of the British Colonies, certain Lands have been set apart for the erection of Forts, and for other military purposes, which lands have, in many cases, been purchased by that Department, or granted to it by the Crown.

It appears, however, that the manner in which these Lands have been vested in the Officers of Ordnance, has not been, generally speaking, sufficiently formal and comprehensive, to answer all the purposes required by the Board.

For the purpose of more clearly defining the nature and extent of the powers which the Board are desirous of obtaining, they have transmitted to me the draught of a Bill which they have submitted to the consideration of the Provincial Legislature of Upper Canada, and which contains all the provisions necessary to meet the desired object.

They have likewise referred me to the Acts 1 and 2 Geo. 4, cap. 69, and 2 Will. 4, cap. 28, as conferring on the Board similar powers over the Military Buildings and Lands in this country.

With the view of facilitating the object of the Master General and Board, I transmit to you copies of these three documents, and have to desire, that you will lay them before the Colonial Legislature, with the recommendation that they should pass such Bills, *mutatis mutandis*, for the purpose of conferring similar powers on the principal Officers of the Ordnance over the Military Lands and Buildings in the Colony under your Government.

I have the honor to be, &c.

(Signed)

GLENELG.

Colonel Sir John Harvey, K. C. H., v

&c. &c. &c.

Mr. *Haviland* also laid the following Documents, referred to in the above Message, before the Council:

Copy of and Act of the Imperial Parliament 1 and 2 Geo. 4, cap. 69, intituled 'An Act for vesting all Estates and Property, occupied for the Ordnance service, in the principal Officers of the Ordnance; and for granting certain powers for the said principal Officers.'

Copy of Act, 2 Will. 4, cap. 25, intituled 'An Act to extend and render more effectual two Acts of the First and Second and Third Years of His late Majesty King George the Fourth, respecting the Estates thereby vested in the principal Officers of the Ordnance, and to facilitate the public business in the Ordnance Department.'

Draught of a Bill submitted to the consideration of the Legislature of Upper Canada, for vesting all Estates and Property in the Province of Upper Canada, occupied for the Ordnance service in the principal Officers of His Majesty's Ordnance, and for granting certain powers to the said principal Officers.

[SECOND MESSAGE.]

J. HARVEY, Lieutenant Governor.

The Lieutenant Governor is desirous that the Legislative Council, at its rising to-day, should adjourn until Tuesday the 21st instant.

Government House, March 10th, 1837.

The Order of the Day for the House in Committee, on the Bill intituled "An Act to repeal certain parts of an Act intituled *An Act for the Limitation of Actions, and for avoiding Law Suits*, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof," being read—

*Ordered*, That the same be discharged, and stand as the Order of the Day for Tuesday, the Twenty-first instant.

On motion, *Ordered*, that a Committee be appointed to prepare and bring in a Bill, in accordance with His Excellency's Message, relative to certain Lands reserved for the Ordnance Department.

*Ordered*, That Mr. Lane and Mr. Attorney General be a Committee for that purpose.

His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the immediate attendance of the House of Assembly in the Council Chamber.

The House of Assembly having attended accordingly, His Excellency was pleased to give his assent to the following Bills, viz:

A Bill intituled "An Act to authorize the appointment of a Sheriff for each of the Counties in this Island."

A Bill intituled "An Act to provide Seed Grain and Potatoes for certain Settlers, and to regulate the distribution thereof, and mode of repayment.

Then the Council adjourned until Tuesday, the Twenty-first day of March, instant, at Twelve o'clock.

## TUESDAY, March 21st, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. Mr. Wright,

HON. Mr. Brecken,

Mr. Lane,

Mr. Smith,

Mr. Attorney General,

Mr. Goodman.

PRAYERS.

**R**EAD the proceedings of Friday, the Tenth inst.

The President gave notice of his intention to move for leave to bring in a Bill to establish an additional Term of the Supreme Court, in Queen's County.

On motion, Ordered, that the Order of the Day, for the House in Committee on the Bill intituled "An Act to repeal certain parts of an Act intituled *An Act for the Limitation of Actions, and for avoiding Law Suits*, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof," be further postponed until Thursday next.

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, March 22d, 1837.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Mr. Lane*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

*Mr. Lane*, pursuant to notice, moved for leave to bring in a Bill to prevent the running at large of Horses within the Streets and Squares of Charlottetown.

Leave being granted, the said Bill was brought in and read a first time.

A Message from the House of Assembly, by *Mr. Pope*, with a Bill intituled "An Act to enable the Proprietors or Shareholders of a Company called 'the Bank of British North America,' to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being of the said Company in this Island," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until Twelve o'clock to-morrow.

**THURSDAY, March 23d, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Mr. Lane*,

*Mr. Haviland*,

HON. *Mr. Attorney General*,

*Mr. Brecken*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*Ordered*, That *Mr. Smith* be excused from attending in his place.

The President, pursuant to notice, moved for leave to bring in a Bill to establish an additional Term of the Supreme Court in Queen's County—leave being granted, the said Bill was brought in and read a first time.

Pursuant to the Order of the Day, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "*An Act to repeal certain parts of an Act intituled *An Act for the Limitation of Actions, and for avoiding Law Suits*, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof.*"

*Mr. Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 9, line 29*—After the word "*Brunswick*," insert "*nor Newfoundland*."

*Folio 13, line 27*—Strike out the word "*nine*," and insert the word "*eight*."

*Ordered*, That the Report of the Committee be agreed to, and that the amendments be engrossed.

A Message from His Excellency the Lieutenant Governor, by the Honorable *Mr. Haviland*, Acting Colonial Secretary:

*J. HARVEY*, Lieutenant Governor.

The Lieutenant Governor is desirous that the Legislative Council, at its rising to day, should adjourn until Monday, the Twenty-seventh instant.

On motion, *Ordered*, that the second reading of the Bill intituled "*An Act relating to the Roads in the Royalty of Charlottetown*," do stand as the Order of the Day for Thursday next.

*Ordered*, That the Petitioners against the said Bill be heard by Counsel at the Bar of this House.

*Mr. Attorney General* obtained leave to absent himself on Wednesday and Thursday next.

Adjourned until Monday next at Twelve o'clock.

**MONDAY, March 27th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Haviland*,

HON. *Mr. Brecken*,

*Mr. Attorney General*,

*Mr. Smith*,

*Mr. Goodman*.

**PRAYERS.**

**R**EAD the proceedings of Thursday last.

Read a third time, and passed, the Bill intituled "An Act to repeal certain parts of an Act intituled *An Act for the Limitation of Actions, and for avoiding Law Suits*, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

Read a second time, the Bill intituled "An Act to establish an additional Term of the Supreme Court in Queen's County."

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow.

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, March 28th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Attorney General*,

*Mr. Brecken*,

*Mr. Smith*.

**PRAYERS.**

**T**HERE not being a Quorum at half-past Two o'clock,

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, March 29th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*.

*Mr. Haviland*,

PRAYERS.

**R**EAD the proceedings of Monday.

*Ordered*, That *Mr. Goodman* be excused from attending in his place.

On motion, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act to Incorporate the Steam Mill Company of Charlottetown."

*Mr. Lane* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 2, line 3*—Strike out from the word "may," to the word "convenient," and insert the words "as hereinafter expressed."

*Folio 8, after line 12*, insert "And be it further enacted, that if the said Company, or other person or persons, shall be sued or prosecuted for any matter or thing, by such Company, or other person or persons, done under or in pursuance of this Act, the said Company, or other person or persons may be at liberty to plead the general issue, and give this Act and the special matter in evidence."

*Ordered*, That the Report of the Committee be agreed to, and that the amendments be engrossed.

Read a second time, the Bill intituled "An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown."

On motion, *Ordered*, that this House do agree to the said Bill, and that the same be engrossed.

On motion, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act to establish an additional Term of the Supreme Court in Queen's County.

*Mr. Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and agreed to the same, with certain amendments.

*Ordered*, That the Report of the Committee be agreed to.

*Ordered*, That the said Bill be engrossed, and that the Title be A Bill intituled "An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County."

A Message from the House of Assembly, by Mr. James, with a Bill intituled "An Act to regulate the Duties and Charges of Pilots, and to repeal the Acts formerly passed for that purpose"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, March 30th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,  
*Mr. Brecken*,

HON. *Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill intituled "An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County."

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

Read a third time, and passed, the Bill intituled "An Act to incorporate the Steam Mill Company of Charlottetown," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

Read a third time, and passed, the Bill intituled "An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown."

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

On motion, *Ordered*, That the Order of the Day for the second reading of the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown," be postponed until Saturday next.

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, March 31st, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Pope, with a Bill intituled "An Act to explain and amend two several Acts of the General Assembly therein mentioned, for raising a Fund by an Assessment on Land"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

*Mr. Brecken*, from the Committee appointed to join the Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to use his influence with the Imperial Government, to procure for the use of the Legislature, copies of the State Records, together with the printed Journals of the Houses of Lords and Commons, reported the draught of an Address, as agreed to by the Joint Committee, and the same was read, and is as follows:

*To His Excellency Major-General Sir JOHN HARVEY, K. C. H. and C. B., Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

*May it please your Excellency;*

We, His Majesty's dutiful and loyal subjects, the Council and Assembly of Prince Edward Island, in Colonial Parliament assembled, respectfully beg leave to request that your Excellency will be pleased to use your influence in the proper quarter, to procure for the use of the Legislature of this Island, copies of the State Records of the Imperial Government, as the same have been presented to the neighbouring Colonies.

And the Council and Assembly would further solicit your Excellency's interest, to obtain for them copies of the Journals of the Imperial Parliament, (including their Standing Orders), in order that they may possess the advantage of referring to the valuable information which they contain, upon questions of difficulty.

**Ordered**, That the said Address be agreed to, and that the same be engrossed.

On motion, **Ordered**, that a Committee be appointed to join a Committee of the House of Assembly, to wait upon His Excellency with the said Address.

**Ordered**, That *Mr. Brecken* and *Mr. Goodman* be a Committee for that purpose.

**Ordered**, That a copy of the foregoing Order be communicated by Message to the House of Assembly.



A Message from the House of Assembly, by Mr. Palmer.

In the House of Assembly, 31st March, 1837.

*Resolved*, That a Committee be appointed to join the Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor with the Joint Address of the Council and Assembly, relative to procuring for the use of the Legislature, copies of the State Records, and the Journals of the Imperial Parliament.

*Ordered*, That Mr. Pope, Mr. Palmer, Mr. James and Mr. Macdonald do compose the said Committee.

*Ordered*, That a copy of the foregoing Resolutions be communicated by Message to the Legislative Council.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act to amend the several Acts of this Island, relating to Small Debts."

Mr. Haviland took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

On motion, *Ordered*, that the Order of this House of the 7th of April, 1836, be rescinded, and that the Journals of the Council for the present Session, be printed without delay, and that Mr. James D. Haszard be appointed to perform the work; also, that in addition to the number usually printed, he be required to furnish one copy to each Member of the House of Assembly.

Read a second time, the Bill intituled "An Act to enable the Proprietors or Shareholders of a Company called *The Bank of British North America*, to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being, of the said Company in this Island."

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, April 1st, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. Mr. Wright,

Mr. Lane,

Mr. Haviland,

Mr. Attorney General,

HON. Mr. Brecken,

Mr. Smith,

Mr. Goodman.

PRAYERS.

**R**EAD the proceedings of yesterday.

## LEGISLATIVE COUNCIL.

**Mr. Brecken**, from the Joint Committee of the Council and Assembly, appointed to wait upon His Excellency the Lieutenant Governor with the Address relative to the State Records, and the Journals of the Houses of Lords and Commons, reported, that the Committee had waited on His Excellency, who was pleased to say, that he would comply with the prayer of the Address.

Read a second time, the Bill intituled “An Act to regulate the Duties and Charges of Pilots, and to repeal the Acts formerly passed for that purpose.”

On motion, the House resolved itself into a Committee of the whole, to take the same into consideration.

**Mr. Brecken** took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 6, line 10*—After the word “owned,” insert “or partly owned.”

*Same Folio, line 14*—After the word “owned,” insert “or partly owned.”

*Ordered*, That the Report of the Committee be agreed to, and that the amendments be engrossed.

A Message from the House of Assembly, by **Mr. M’Nutt**, with a Bill intituled “An Act for regulating the Herring and Alewives’ Fisheries,” to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

A Message from the House of Assembly, by **Mr. Pope**.

In the House of Assembly, Saturday, April 1st, 1837.

*Resolved*, That a Committee of this House be appointed to join a Committee of the Legislative Council, for the purpose of taking charge of the Government House and Public Furniture, in accordance with the Message of His Excellency the Lieutenant Governor, of the 11th of February last, relative thereto.

*Ordered*, That **Mr. Pope**, **Mr. M’Callum**, **Mr. Macdonald** and **Mr. Binns** do compose the said Committee.

*Ordered*, That a copy of the foregoing Resolution be communicated by Message to the Legislative Council.

On motion, *Ordered*, that the Order of the Day for the second reading of the Bill intituled “An Act relating to the Roads in the Royalty of Charlottetown,” be further postponed until Monday next; and that the Petitioners in favour of the said Bill, be heard by Council at the Bar of this House.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled “An Act to amend the several Acts of this Island, relating to Small Debts.”

**Mr. Haviland** took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 3, line 15*—Strike out from the word “and” to the word “costs,” inclusive.”

*Folio 4, line 19*—Strike out from the word “and” to the word “aforesaid,” in the sixth folio, twelfth line, inclusive.

On motion, that the Report of the Committee be agreed to, the House divided:

CONTENTS.

*The Chief Justice,*

*Mr. Wright,*

*Mr. Haviland,*

*Mr. Attorney General,*

*Mr. Brecken,*

*Mr. Smith.*

NON-CONTENTS.

*Mr. Lane,*

*Mr. Goodman.*

And it passed in the affirmative.

*Ordered,* That the said amendments be engrossed.

Adjourned until Monday next at Twelve o'clock.

**MONDAY, April 3d, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright,*

*Mr. Lane,*

*Mr. Attorney General,*

HON. *Mr. Brecken,*

*Mr. Smith,*

*Mr. Goodman.*

PRAYERS.

**R**EAD the proceedings of Saturday.

Pursuant to the Order of the Day, the Bill intituled “An Act relating to the Roads in the Royalty of Charlottetown,” was read a second time.

On motion, *Ordered,* that Counsel against the said Bill be now heard.

The Solicitor General was accordingly heard at the Bar.

*Ordered,* That Counsel in support of the Bill be now heard.

*Mr. Binns* was accordingly heard at the Bar.

The Solicitor General was heard in reply.

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, April 4th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill intituled "An Act to amend the several Acts of this Island, relating to Small Debts," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

Read a third time, and passed, the Bill intituled "An Act to regulate the Duties and Charges of Pilots, and to repeal the Acts formerly passed for that purpose," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

Read a second time, the Bill intituled "An Act to explain and amend two several Acts of the General Assembly therein mentioned, for raising a Fund by an Assessment on Land."

Read a second time, the Bill intituled "An Act for regulating the Herring and Alewives' Fisheries."

On motion, *Ordered*, That *Mr. Haviland*, *Mr. Brecken* and *Mr. Smith* be a Committee to revise the printed proof sheet of the Journal of this House.

*Mr. Haviland*, by leave, presented a Petition from James H. Conroy, of Charlottetown, Surgeon, setting forth—That Petitioner is deeply impressed with the necessity there exists for the enactment of a Law to enable the Judge of Probate in this Colony to compel Executors and Administrators to render their Accounts, and duly administer the Estates they represent, by a cheap and summary process—and praying this House to pass an Act for that purpose—which being read,

*Ordered*, That the said Petition be received, and lie on the Table.

Read a third time, and passed, the Bill intituled "An Act to explain and amend two several Acts of the General Assembly therein mentioned, for raising a Fund by an Assessment on Land."

*Ordered*, That the said Bill be sent down to the House of Assembly.

A Message from the House of Assembly, by Mr. Palmer, with a Bill intituled "An Act for the encouragement and support of District and other Schools, and to repeal the Acts formerly passed for that purpose"—to which they desire the concurrence of the Legislative Council.

Also with,

The Bill intituled "An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County," with certain amendments—to which they desire the concurrence of the Legislative Council.

And also with,

The Bill intituled "An Act to repeal certain parts of an Act intituled *An Act for the Limitation of Actions, and for avoiding Law Suits*, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof"—agreed to, as amended by the Legislative Council.

Read a first time, the Bill intituled "An Act for the encouragement and support of District and other Schools, and to repeal the Acts formerly passed for that purpose."

On motion, the amendments made by the House of Assembly to the Bill intituled "An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County," were read a first time, and are as follow, viz:

*Folio 2, line 13*—After the word "Term," insert "and Writs may be made returnable on any of the said  
"last mentioned Fourteen Days, or on any day in Easter Term."

*Folio 3, line 10*—After the word "same," insert the following clause, marked (A.)

"And be it further enacted, That this Act shall continue and be in force for and during the  
"space of Four Years, from and after the passing thereof, and no longer."

**Resolved,** That a Committee be appointed to join the Committee of the House of Assembly, for the purpose of taking charge of the Government House and Public Furniture, in accordance with the Message of His Excellency the Lieutenant Governor, of the 11th of February last, relative thereto.

**Ordered,** That Mr. Lane, Mr. Haviland and Mr. Smith do compose the said Committee.

**Ordered,** That a copy of the foregoing Resolution be communicated by Message to the House of Assembly.

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, April 5th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Read a second time, the amendments made by the House of Assembly, to the Bill intituled "An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County."

On motion, the said amendments were read a third time.

*Ordered*, That this House do agree to the said amendments.

Adjourned until Two o'clock to-morrow.

**THURSDAY, April 6th, 1837.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,

HON. *Mr. Smith*,

*Attorney General*,

*Mr. Goodman*.

*Mr. Brecken*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, April 7th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

. PRAYERS.

**A** MESSAGE from the House of Assembly, by *Mr. Pope*, with a Bill intituled "An Act to continue for one year an Act passed in the Fifth year of His present Majesty's Reign, providing for the payment of Interest on Warrants"—to which they desire the concurrence of the Legislative Council.

Also,

Mr. President,

The House of Assembly have agreed to the amendments made by the Council to the Bill intituled "An Act to regulate the Duties and Charges of Pilots, and to repeal the Acts formerly passed for that purpose," with an amendment—to which they desire the concurrence of the Legislative Council.

A Message from the House of Assembly, by *Mr. Macdonald*, with a Bill intituled "An Act for vesting all Estates and Property in this Island, occupied for the Ordnance service, in the Principal Officers of His Majesty's Ordnance, and for granting certain powers to the said Principal Officers"—to which they desire the concurrence of the Legislative Council.

Also,

Mr. President,

The House of Assembly have agreed to the amendments made by the Council to the Bill intituled "An Act to Incorporate the Steam Mill Company of Charlottetown," with certain amendments—to which they desire the concurrence of the Legislative Council.

On motion, the following Bills were read a first time, viz:

A Bill intituled "An Act to continue for one Year an Act passed in the Fifth year of His present Majesty's Reign, providing for the payment of Interest on Warrants."

A Bill intituled "An Act for vesting all Estates and Property in this Island, occupied for the Ordnance service, in the principal Officers of His Majesty's Ordnance, and for granting certain powers to the said principal Officers."

On motion, that the Bill intituled "An Act relating to the Streets and Squares of Charlottetown," be read a second time—It was moved as an amendment that the said Bill be read a second time this day three months.

The question being put, the House divided:

**CONTENTS.**

*The Chief Justice,*  
*Mr. Lane,*  
*Mr. Brecken,*  
*Mr. Smith.*

**NON-CONTENTS.**

*Mr. Wright,*  
*Mr. Haviland.*

And it passed in the affirmative.

On motion, the amendment made by the House of Assembly, to the amendments of the Council, to the Bill intituled "An Act to regulate the Duties and Charges of Pilots, and to repeal the Acts formerly passed for that purpose," was read a first time, and is as followeth:—

*Folio 1, line 4*—Strike out "or partly owned," and insert "either in whole, or to the extent of at least one half."

On motion, the said amendment was read a second time.

On motion, the amendments made by the House of Assembly to the amendments of the Council, to the Bill intituled "An Act to Incorporate the Steam Mill Company of Charlottetown," were read a first time, and are as follow:

*Folio 3d of the Bill, line 22*—After the words 'time to time,' insert 'after their first meeting, to be convened as mentioned in the Third Section of this Act.'

*Same folio, line 25*—After the word 'Corporation,' insert 'and for the making, altering or rescinding of any By Laws.'

*Folio 7, line 19*—After the word 'concerned,' insert 'Provided always, that nothing in this Act contained shall in any case have the effect of absolutely dissolving the said Company, until its contracts, accounts and affairs generally shall be finally performed, adjusted and paid—that after it shall appear as aforesaid, that one third of the capital stock of the said Company hath been lost, the said Company shall not be capable of carrying on business in its corporate capacity, except for the purpose of closing the concerns of the said Company.'

Read a second time, the Bill intituled "An Act for the encouragement and support of District and other Schools, and to repeal the Acts formerly passed for that purpose."

*Ordered,* That the said Bill be committed to a Committee of the whole House to-morrow.

Adjourned until Twelve o'clock to-morrow.



**SATURDAY, April 8th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Mr. Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*Mr. Lane* informed the House that indisposition prevents *Mr. Smith* from attending in his place.

*Ordered*, That *Mr. Smith's* excuse be received.

The Order of the Day having been read—on motion, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled “An Act for the encouragement and support of District and other Schools, and to repeal the Acts formerly passed for that purpose.”

*Mr. Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 15, line 21*—After the word ‘place,’ insert ‘and need not be confined to a building used exclusively for that purpose; provided that the said Schools shall be limited to the instruction of female scholars, and to that of boys under the age of eight years.”

*Same folio, line 22*—Strike out the word ‘provided,’ and insert ‘and provided also.’

*Ordered*, That the Report of the Committee be agreed to, and that the amendments be engrossed.

On motion, *Ordered*, that the Bill intituled “An Act to enable the Proprietors or Shareholders of a Company called *The Bank of British North America*, to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being, of the said Company in this Island,” be committed to a Committee of the whole House on Monday next.

Read a second time, the Bill intituled “An Act for vesting all Estates and Property in this Island, occupied for the Ordnance service, in the principal Officers of His Majesty's Ordnance, and for granting certain powers to the said principal Officers.”

Read a second time, the Bill intituled “An Act to continue for one year an Act passed in the Fifth year of His present Majesty's reign, providing for the payment of Interest on Warrants.”

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Adjourned until Monday next at Twelve o'clock.

## MONDAY, April 10th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of Saturday.

Read a third time, and passed, the Bill intituled "An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County," as amended by the House of Assembly.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to their amendments.

On motion, *Ordered*, that the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown," be committed to a Committee of the whole House to-morrow.

*Ordered*, That there be a call of the House to-morrow.

Pursuant to the Order of the Day, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act to enable the Proprietors or Shareholders of a Company called *The Bank of British North America*, to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being, of the said Company in this Island."

*Mr. Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendment, viz:

*Folio 38, line 22*—After the word "more," insert "And be it further enacted, that nothing in this or in any other Act of the General Assembly of this Island contained, shall extend, or be construed to extend, to prevent the said Company from making, signing and issuing, or re-issuing, any Note payable on demand, to the holder or holders thereof, in gold or silver, at the place where the same purports to be issued, or re-issued, for any less sum than Five Pounds."

*Ordered*, That the Report of the Committee be agreed to, and that the amendment be engrossed.

Read a third time, the amendments made by the House of Assembly, to the amendment of the Council, to the Bill intituled "An Act to regulate the Duties and Charges of Pilots, and to repeal the Acts formerly passed for that purpose."

On motion, Ordered, that this House do agree to the said amendments.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act for regulating the Herring and Alewives' Fisheries."

Mr. *Smith* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock to-morrow.

## TUESDAY, April 11th, 1837.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,  
*Mr. Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

HON. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, Ordered, that a further Conference be desired with the House of Assembly, on the amendment made to the Bill intituled "An Act to continue an Act for regulating the Weight and Quality of Bread within the Town and Royalty of Charlottetown."

*Ordered*, That the same Committee who managed the former Conference, do manage this further Conference, to meet in the Committee Room instanter.

On motion, Ordered, that the Committee of this House be instructed to state to the Committee of the House of Assembly, that the Legislative Council fully concur in the sentiments expressed by the House of Assembly, as delivered by their Committee, to the Committee of the Council, when in Conference upon the amendment made by the Council, to the Bill intituled "*An Act to continue an Act for regulating the weight and quality of Bread within the Town and Royalty of Charlottetown*;" that in all cases where Acts are found to be beneficial in their operation, the annual reconsideration of such Acts, by the Legislature, unless with a view to their amendment, in principle or detail, causes a loss of time, and consequent expenditure of the public money; but as the Bill in question was originally assented

to by the Council as an experimental measure only, the efficacy of which was considered to be of doubtful policy, and its operation, in the opinion of the Council, having failed to afford that full protection to the Public, particularly as regards that class of the community, for whose benefit the Act was more immediately intended, the price of Bread bearing no reference to the fluctuating price of Flour—the Council, in deference to the House of Assembly, and under the expectation that some more efficient provision might, in the meantime be considered, were induced to amend the present Bill, by limiting its duration to one year.

On motion, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled “An Act for vesting all Estates and Property in this Island, occupied for the Ordnance service, in the principal Officers of His Majesty’s Ordnance, and for granting certain powers to the said principal Officers.”

Mr. Lane took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. Thornton, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled “An Act for the Increase of the Revenue in this Island.”

A Bill intituled “An Act to explain and amend an Act passed in the Fourth year of His present Majesty’s Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.*”

A Bill intituled “An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose.”

A Bill intituled “An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown, in the Winter season.”

Also, with the following written Message:

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject of the amendments made by them to the Bill intituled “An Act to amend the several Acts of this Island, relating to Small Debts;” and have appointed Mr. Pope, Mr. Clark, Mr. Binns and Mr. Thornton, a Committee to manage the same.

And also,

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the amendment made by the Council to the Bill intituled “An Act to continue an Act for regulating the Weight and Quality of Bread within the Town and Royalty of Charlottetown,” and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

On motion, Ordered, that a Conference be agreed to, as is desired by the House of Assembly, on the amendments made to the Bill intituled "An Act to amend the several Acts of this Island, relating to Small Debts."

Ordered, That Mr. *Haviland* and Mr. *Brecken* be a Committee to manage the same, to meet in the Committee Room instantler.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported, that they had met the Committee of the House of Assembly, who acquainted them that the House of Assembly had disagreed to the amendment made by the Council to the Bill intituled "An Act to amend the several Acts of this Island, relating to Small Debts," for the following reason:

Because numerous persons leave this Colony indebted in small sums, and which had better be abandoned and not sued for in most cases under the provisions of the Act for the recovery of Debts from absent Debtors, which requires all such Debts to be sued for in the Supreme Court of Judicature, and the costs on an average exceed Ten Pounds; whereas small demands might be recovered before Justices of the Peace, or Commissioners for recovery of Small Debts, in a summary way, at small costs, and perhaps with as great a certainty of justice being done to all parties concerned, as if the proceedings were had before any other tribunal, inasmuch as judgment would not be given for more than Five Pounds, exclusive of costs; and the process and judgment contemplated would not affect Real Estate; and security is provided by the Bill for a rehearing and restitution, if applied for within a reasonable time after a first judgment given.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act for vesting all Estates and Property in this Island, occupied for the Ordnance service, in the Principal Officers of His Majesty's Ordnance, and for granting certain powers to the said Principal Officers."

Mr. *Lane* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 2, line 16*—Strike out from the word 'Provided,' to the word 'purpose,' inclusive.

*Folio 6, line 20*—After the word 'Contracts,' insert the word 'Sales.'

*In the Title*—After the word 'Island,' insert the words 'belonging to or.'

Ordered, That the Report of the Committee be agreed to, and that the amendments be engrossed.

The Order of the Day having been read, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown."

Mr. *Lane* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Read a first time, the following Bills, viz:

A Bill intituled "An Act for the Increase of the Revenue in this Island."

A Bill intituled "An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose."

A Bill intituled "An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown, in the Winter season."

A Bill intituled "An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.*"

On motion, the Bill intituled "An Act for the Increase of the Revenue in this Island," was read a second time.

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, April 12th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Mr. Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, that this House do adhere to their amendment, made to the Bill intituled "An Act to amend the several Acts of this Island, relating to Small Debts."

The House divided:

CONTENTS.

*The Chief Justice,*  
*Mr. Wright,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Smith.*

NON-CONTENTS.

*Mr. Lane,*  
*Mr. Goodman.*

And it passed in the affirmative.

On motion, Ordered, that a further Conference be desired with the House of Assembly on the subject matter of the last Conference, and that the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instanter.

Read a second time, the Bill intituled "An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown, in the Winter season."

On motion, the said Bill was read a third time, and passed.

Ordered, That the said Bill be sent down to the House of Assembly.

Read a second time, the Bill intituled "An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose."

On motion, the said Bill was read a third time and passed.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

A Message from the House of Assembly, by Mr. Pope.

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

On motion, Ordered, that the Committee of this House be instructed to state to the Committee of the House of Assembly, that this House do adhere to their amendment made to the Bill intituled "An Act to amend the several Acts of this Island, relating to Small Debts."

Thereupon the Committee went to the Conference, and having returned, reported, that they had complied with the instructions given them by this House.

Read a second time, the Bill intituled "An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.*"

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown."

Mr. *Lane* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. Pope, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act for levying an Assessment on all Lands in this Island."

A Bill intituled "An Act to empower the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Houses thereon."

Read the said Bills a first time.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown."

Mr. *Lane* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, April 13th, 1837.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. Mr. *Wright*,

Mr. *Lane*,

Mr. *Haviland*,

Mr. *Attorney General*,

HON. Mr. *Brecken*,

Mr. *Smith*,

Mr. *Goodman*.

### PRAYERS.

**R**EAD the proceedings of yesterday.



Read a second time, the Bill intituled "An Act to empower the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or vesting Sites for Engine Houses, and for erecting such Houses thereon."

Read a second time, the Bill intituled "An Act for levying an Assessment on all Lands in this Island."

On motion, the amendments made by the House of Assembly, to the amendments of the Council, to the Bill intituled "An Act to Incorporate the Steam Mill Company of Charlottetown," were read a second time.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, April 14th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Goodman*.

*Mr. Haviland*,

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, April 15th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Lane*,

HON. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**R**EAD a third time, and passed, the Bill intituled "An Act for vesting all Estates and Property in this Island, occupied for the Ordnance service, in the principal Officers of His Majesty's Ordnance, and for granting certain powers to the said principal Officers," with the amendments.

**Ordered,** That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

On motion, the House resolved itself into a Committee of the whole, to take into consideration, the Bill intituled "An Act to empower the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Houses thereon."

Mr. *Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and they recommend to the House, that a Conference be desired with the House of Assembly, on the subject matter of the same.

**Ordered,** That the Report of the Committee be agreed to.

On motion, **Ordered,** that Mr. *Brecken* and Mr. *Goodman* be a Committee to manage the said Conference, to meet in the Committee Room instanter.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act for regulating the Herring and Alewives' Fisheries."

Mr. *Smith* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and agreed to the same.

**Ordered,** That the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

**Ordered,** That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, **Ordered,** that this House do on Monday next, resolve itself into a Committee of the whole, to resume the consideration of the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown."

**Ordered,** That there be a call of the House on Monday next.

On motion, **Ordered,** that the Bill intituled "An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned,*" be committed to a Committee of the whole House on Monday next.

On motion, the amendments made by the House of Assembly to the amendments of the Council, to the Bill intituled "An Act to Incorporate the Steam Mill Company of Charlottetown," were read a third time.

**Ordered,** That this House do agree to the same.

**Ordered,** That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to their amendments.

A Message from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the subject matter of the Bill intituled "An Act to empower the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting sites for Engine Houses, and for erecting such Houses thereon," and have appointed Mr. Binns, Mr. Palmer, Mr. Macdonald and Mr. Pope a Committee to manage the same.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

A Message from the House of Assembly, by Mr. Pope, with the following Bills agreed to, as amended by the Legislative Council, viz:

A Bill intituled "An Act to amend the several Acts of this Island, relating to Small Debts."

A Bill intituled "An Act to continue an Act for regulating the Weight and Quality of Bread within the Town and Royalty of Charlottetown."

Read a third time, and passed, the Bill intituled "An Act for the encouragement and support of District and other Schools, and to repeal the Acts formerly passed for that purpose," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

On motion, *Ordered*, that the Bill intituled "An Act for levying an Assessuent on all Lands in this Island," be read a second time on Monday next.

Adjourned until Monday next at Eleven o'clock.

## MONDAY, April 17th, 1837.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Mr. Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Saturday.

According to Order, the names were called over.

The Order of the Day, for the House in Committee on the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown," being read—the House accordingly resolved itself into said Committee.

Mr. *Lane* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 1, line 16*—Strike out from the word 'that' to the word 'effect,' in the sixth line of the third folio, both inclusive, and insert—

'The Road which leads from Great George Street in Charlottetown, through the Common and Pasture Lots towards Princetown and Saint Eleanor's, has been erroneously laid off from the Southern Boundary line of Pasture Lot Number Two hundred and forty-eight, to the Southern Boundary line of Township Number Thirty-three.—And whereas, since such survey, part of the said erroneous line of road, viz: from the Southern Boundary line of said Pasture Lot Number Two hundred and forty-eight, to the Northern Boundary line of Pasture Lot Number Three hundred and ninety-four, hath been altered by order of the said Government of this Island, to its original and proper position, as defined and marked on the original Map or Plan of the said Royalty, kept in the office of the said Surveyor General, and public money and Statute labour expended and employed thereon.—And whereas it is deemed necessary, that the said part of the said Road so altered as aforesaid, should be confirmed and established as a Public Road, and provision be made for the continuance thereof, from the said Northern Boundary of Pasture Lot Number Three hundred and ninety-four, to the Old Road leading to Princetown and Saint Eleanor's, as aforesaid.'

*Folio 3, line 9*—Strike out from the word 'that,' to the word 'Act,' in the last line of the last folio, inclusive, and insert—

'The said new line of Road leading from the Southern Boundary line of Pasture Lot Number Two hundred and forty-eight, to the Northern Boundary line of Pasture Lot Number Three hundred and ninety-four, as the same is now used, shall be, and the same is hereby established and confirmed, as a Public Road, and it shall and may be lawful for the Commissioners of Highways for the District wherein the same is situate, and he is hereby authorized, at the expiration of one calendar month after the passing of this Act, to lay off and continue the said Road Sixty feet in breadth from the said Northern Boundary line of Pasture Lot Number Three hundred and ninety-four, diagonally, across Pasture Lots Numbers Four hundred and eleven, or Four hundred and twelve, or Four hundred and five, or Four hundred and six, (as the case may be) until the same meets the said Road leading to Princetown and Saint Eleanor's; and the same, where so laid off, shall be, and for ever remain and continue, a Public Road, to and for the use and benefit of the people of this Island.'

'And be it further enacted, That the site of the old line of Road from the Southern Boundary of Pasture Lot Number Two hundred and forty-eight, to the Northern Boundary Line of Pasture Lot Number Three hundred and ninety-four, shall be, and the same is hereby vested in the legal Owners of the several Pasture Lots through which the same runs, and it shall and may be lawful for them to shut up and enclose such parts thereof as shall run through their respective Lots as aforesaid.'

'Provided always, That nothing in this Act contained, shall extend, or be construed to extend, to determine the rights of the respective Owners or Occupiers of Pasture Lots on either side of the said old line of Road, or new or altered line of Road, as aforesaid.'

*In the Title*—Strike out from the word 'to,' to the word 'in,' and insert the words 'a Road.'

On motion, that the Report of the Committee be agreed to,  
The House divided:

CONTENTS.

*The Chief Justice,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Smith.*

NON-CONTENTS.

*Mr. Lane,*  
*Mr. Attorney General,*  
*Mr. Goodman.*

And it passed in the affirmative.

Mr. Wright having retired before the division took place.

Ordered, That the said amendments be engrossed.

Pursuant to the Order of the Day, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.*"

Mr. Goodman took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

Ordered, That the Report of the Committee be agreed to.

On motion, Ordered, that Mr. Attorney General and Mr. Goodman, be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at Twelve o'clock.

On motion, the Bill intituled "An Act for levying an Assessment on all Lands in this Island," was, according to order, read a second time.

On motion, the House resolved itself into a Committee of the whole, to take the same into consideration.

Mr. Smith took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter of the same.

Ordered, That the Report of the Committee be agreed to.

Ordered, That Mr. Haviland and Mr. Brecken be a Committee to manage the said Conference, to meet in the Committee Room to-morrow at half-past Twelve o'clock.

On motion, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act for the Increase of the Revenue of this Island."

Mr. Smith took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

*Ordered*, That the Report of the Committee be agreed to.

Ordered, that Mr. *Smith* and Mr. *Goodman*, be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at One o'clock.

A Message from the House of Assembly, by Mr. *M'Callum*, with a Bill intituled "An Act to prohibit the Exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until Eleven o'clock to-morrow.

## TUESDAY, April 18th, 1837.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

### PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

Four Messages from the House of Assembly, by Mr. *Palmer*.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council on the Bill intituled "An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned*," and have appointed Mr. *Green*, Mr. *Macdonald*, Mr. *M'Callum* and Mr. *Pope*, a Committee to manage the said Conference.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled "An Act for levying an Assessment on all Lands in this Island," and have appointed Mr. Green, Mr. Pope, Mr. Macnutt and Mr. Nelson, a Committee to manage the said Conference.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled "An Act for the Increase of the Revenue of this Island," and have appointed Mr. M'Callum, Mr. Clark, Mr. Macdonald and Mr. Pope, a Committee to manage the said Conference.

And also,

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled "An Act to empower the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Houses thereon," and have appointed the same Committee who managed the former Conference, a Committee to manage this further Conference.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly, on the Bill intituled "An Act to empower the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Houses thereon," and that the same Committee who managed the former Conference do manage this further Conference, to meet in the Committee Room this day at half past One o'clock.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled "An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned*," having gone to the Conference, and returned, reported, that they had complied with the instructions given them by this House.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled "An Act for levying an Assessment on all Lands in this Island," having gone to the Conference, and returned, reported that they had complied with the instructions given them by this House.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled "An Act for the Increase of the Revenue of this Island," having gone to the Conference, and returned, reported, that they had complied with the instructions given them by this House.

Read a second time, the Bill intituled "An Act to prohibit the Exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned."

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled "An Act to empower the Inhabitants of Charlottetown to Assess themselves,

for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Houses thereon,"—having gone to the Conference, and returned, reported the substance thereof.

Read a third time, and passed, the Bill intituled "An Act to empower the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Houses thereon."

*Ordered*, That the said Bill be sent down to the House of Assembly.

A Message from the House of Assembly, by Mr. Pope, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act to authorize the appointment of a Coal Meter for Charlottetown."

Also,

A Bill intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-seven."

Read the said Bills a first time.

On motion, the said Bills were read a second time.

A Message from the House of Assembly, by Mr. Pope.

In the House of Assembly, Tuesday, April 18th, 1837.

Resolved, That an humble Address be presented to His Majesty on the subject matter of a Circular Despatch from the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonial Department, of date 31st August, 1836, relative to measures which have been adopted by various Colonial Legislatures, for revising and altering the Rates at which different Coins should pass current, and be a legal tender, with reference to local Monies of account, and that the Legislative Council be requested, by Message, to join in the said Address.

*Ordered*, That Mr. Pope, Mr. Macdonald, Mr. Palmer, Mr. Green, Mr. Binns and Mr. M'Callum, be a Committee on the part of this House to prepare the said Address.

*Ordered*, That a copy of the foregoing Resolution be communicated to the Legislative Council.

Resolved, that this House doth concur with the House of Assembly on the expediency of presenting the proposed Address to His Majesty.

*Ordered*, That Mr. Haviland, Mr. Brecken and Mr. Smith be a Committee on the part of this House to prepare the said Address.

*Ordered*, That a copy of the foregoing Resolution be communicated by Message to the House of Assembly.

Adjourned until Eleven o'clock to-morrow.



## WEDNESDAY, April 19th, 1837.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Mr. Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, the House resolved itself into a Committee of the whole, to take into consideration the Bill intituled "An Act to prohibit the Exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned."

*Mr. Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 1, line 6*—After the word 'Grain,' insert 'Meal.'

*Some folio, line 20*—Strike out the words 'Oatmeal or,' and after the word 'Potatoes,' insert 'Flour or 'Meal of any sort.'

*Folio 6, line 16*—Strike out from the word 'wetted' to the word 'malting,' in the Eighteenth line, both words inclusive, and insert 'Corn or Grain so wetted or malted as aforesaid.'

*Folio 7, line 18*—After the word 'Malt,' insert 'as aforesaid.'

*Ordered*, That the Report of the Committee be agreed to, and that the amendments be engrossed.

Read a third time, and passed, the Bill intituled "An Act to authorize the appointment of a Coal Meter for Charlottetown."

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Read a third time, and passed, the Bill intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-seven."

*Ordered*, That the said Bill be sent down to the House of Assembly.

A Message from the House of Assembly, by *Mr. Pope*, with the Bill intituled "An Act to enable the Proprietors or Shareholders of a Company called *The Bank of British North America*, to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being, of the said Company in this Island," agreed to, as amended by the Legislative Council.

Also, with the following written Messages:

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled "An Act for levying an Assessment on all Lands in this Island;" and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

Mr. President,

The House of Assembly desire a further Conference, with the Legislative Council, on the Bill intituled "An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned;*" and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled "An Act for the Increase of the Revenue of this Island;" and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

On motion, Ordered, that this House do agree to a further Conference, as is desired by the House of Assembly, on the Bill intituled "An Act for levying an Assessment on all Lands in this Island."

*Ordered*, That the same Committee who managed the former Conference be a Committee to manage this further Conference, to meet in the Committee Room instantly.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly, on the Bill intituled "An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.*"

*Ordered*, That the same Committee who managed the former Conference be a Committee to manage this further Conference, to meet in the Committee Room at half past Two o'clock.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, Ordered, That this House do agree to a further Conference, as is desired by the House of Assembly, on the Bill intituled "An Act for the Increase of the Revenue of this Island."

*Ordered*, That the same Committee who managed the former Conference, be a Committee to manage this further Conference, to meet in the Committee Room at Three o'clock.

**Ordered,** That a Message be sent down to the House of Assembly, acquainting them therewith.

Read a third time, and passed, the Bill intituled "An Act to prohibit the Exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned," with the amendments.

**Ordered,** That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled "An Act for levying an Assessment on all Lands in this Island," having gone to the Conference, and returned, reported the substance thereof.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled "An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned,*" having gone to the Conference, and returned, reported the substance thereof.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled "An Act for the Increase of the Revenue of this Island," having gone to the Conference, and returned, reported the substance thereof.

On motion, the Bill intituled "An Act for levying an Assessment on all Lands in this Island," was read a third time.

On motion, that the said Bill do pass, the question being put, it passed in the affirmative.

**Ordered,** That the said Bill be sent down to the House of Assembly.

Read a third time, and passed, the Bill intituled "An Act for the Increase of the Revenue of this Island."

**Ordered,** That the said Bill be sent down to the House of Assembly.

Read a third time, and passed, the Bill intituled "An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.*"

**Ordered,** That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until Eleven o'clock to-morrow.

**THURSDAY, April 20th, 1837.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

HON. *Mr. Brecken*,

*Mr. Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. M'Callum, with the following Bills, agreed to, as amended by the Legislative Council, viz:

A Bill, intituled "An Act for vesting all Estates and Property in this Island, belonging to or occupied for the Ordnance service, in the principal Officers of His Majesty's Ordnance, and for granting certain powers to the said principal Officers."

A Bill intituled "An Act to prohibit the Exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned."

A Bill intituled "An Act for the encouragement and support of District and other Schools, and to repeal the Acts formerly passed for that purpose."

On motion, Ordered, that the Deputy Clerk of this House be directed to prepare an Index to the Journals of the Council of the present Session.

*Mr. Haviland*, from the joint Committee of the Council and Assembly, appointed to prepare an Address to His Majesty, praying that the restrictions contained in the Right Honorable Lord Glenelg's Circular Despatch, of 31st August, 1836, upon the adoption of measures for revising and altering the Rates at which different Coins should pass current in the Colonies, and be a legal tender, be removed, as far as the same regards this Colony, reported an Address, which was read and agreed to by the House, and is as follows, viz:

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Address of the Legislative Council and Assembly of Prince Edward Island.

May it please Your Majesty;

We your Majesty's faithful subjects the Legislative Council and Assembly of Prince Edward Island, beg leave humbly to represent to Your Majesty, that we have had brought under our consideration a Circular Despatch received by His Excellency the Lieutenant Governor from the Right Honorable Lord Glenelg, Your Majesty's Secretary of State for the Colonial Department, restricting His Excellency from permitting 'any Act or Ordinance, or Proclamation or Regulation, to come into operation in this Colony, relating to 'the local Currency and circulating medium, or to the rates at which coins should pass current or be a legal 'tender, or to the circulation of promissory Notes or other paper, either by the local government or by any 'corporate bodies or individuals, without having first received Your Majesty's sanction conveyed to him by 'Your Majesty's Secretary of State.'

As we humbly conceive that these restrictions are meant solely to apply to cases which interfere with arrangements connected with the military chest, and to the collection of duties imposed by Acts of the Imperial Parliament; and there being no transactions in this Colony which can have any reference to payments made from or on account of the military chest; and the several duties raised or imposed by Acts of the Imperial Parliament being made payable in British coins, or in Dollars at their fixed Sterling value respectively, the continuance of such restrictions on the local transactions of this Colony cannot be attended with any beneficial results to the parent government.

We would therefore urge, that the operation of these restrictions will prove most prejudicial to the prosperity of this young and rising Colony, where the want of a sufficient circulating medium has long been severely felt, and which can only be obviated by the establishment of responsible institutions, capable of supplying the deficiency.

We would also beg leave to express our conviction, that in no part of Your Majesty's North American Dominions are such institutions more indispensably necessary than in this Colony, to promote the development of those resources which it so eminently possesses, both as regards its agricultural capabilities and the inexhaustible source of wealth which the fisheries in its vicinity are calculated to yield.

May it therefore please your Majesty, to cause the restrictions alluded to, to be removed, as far as regards this Colony.

*Ordered*, That the said Address be engrossed.

A Message from the House of Assembly, by Mr. Pope.

"In the House of Assembly, 20th April, 1837.

"Resolved, That a Committee be appointed to join a Committee of the Legislative Council, for the purpose of preparing and reporting the draught of an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to His Majesty's Ministers the joint Address of the Council and Assembly to His Majesty, on the subject matter of the Right Honorable Lord Glenelg's Circular Despatch, relative to local Moneys of Account, for the purpose of being laid at the foot of the Throne.

"*Ordered*, That Mr. Pope, Mr. Macdonald, Mr. Palmer, Mr. Binns and Mr. McCallum, be a Committee for that purpose.

"*Ordered*, That the foregoing Resolution be communicated by Message to the Legislative Council."

Resolved, That a Committee be appointed, to join the Committee of the House of Assembly, for the purpose of preparing and reporting the draught of an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to His Majesty's Ministers the joint Address of the Council and Assembly to His Majesty, on the subject matter of the Right Honorable Lord Glenelg's Circular Despatch, relative to local Moneys of Account.

*Ordered*, That Mr. Haviland, Mr. Brecken and Mr. Smith be a Committee for that purpose.

*Ordered*, That the foregoing Resolution be communicated by Message to the House of Assembly.

The House having taken into consideration the Incidental Expenses of the present Session, allowed the same as follows, viz:

On motion, that the Rev. Louis C. Jenkins be allowed the sum of Thirty Pounds, for services as Chaplain—

It was moved as an amendment, that he be allowed the sum of Twenty Pounds.

The House divided on the amendment:

CONTENTS.

*The Chief Justice,*  
*Mr. Wright,*  
*Mr. Lane,*  
*Mr. Haviland,*  
*Mr. Brecken.*

NON-CONTENTS.

*Mr. Attorney General,*  
*Mr. Smith,*  
*Mr. Goodman.*

And it passed in the affirmative.

|                                                        |   |   |   |   |     |    |   |
|--------------------------------------------------------|---|---|---|---|-----|----|---|
| To John C. Wright, Esq. Usher of the Black Rod,        | - | - | - | - | £30 | 0  | 0 |
| Clerk of Council, including Stationery,                | - | - | - | - | 124 | 1  | 4 |
| John Rider, Messenger, including sundry disbursements, | - | - | - | - | 49  | 17 | 4 |
| Moses Hayes, Doorkeeper,                               | - | - | - | - | 24  | 1  | 0 |

A Message from the House of Assembly, by Mr. Pope.

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject matter of the amendments to the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown;" and have appointed Mr. Pope, Mr. Clark, Mr. Binns and Mr. Nelson, a Committee to manage the said Conference.

On motion, Ordered, that a Conference be agreed to, as is desired by the House of Assembly, on the subject matter of the amendments to the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown."

Ordered, That Mr. Brecken and Mr. Goodman be a Committee to manage the said Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported, that they had met the Committee of the House of Assembly, who were directed to submit the following amendments to the amendments made by the Council to the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown;" and the same were read, and are as follow, viz:

Folio 1, line 3—Strike out from the commencement of the Preamble to the word 'Act,' in the last line of the last folio, inclusive, and insert—

'Whereas a survey of all the Roads which ought to run through the Royalty of Charlottetown, hath lately been made by His Majesty's Surveyor General of Lands for this Colony, by order of the Government thereof, and the Plan of such survey hath been made, and is kept in the office of the said Surveyor General, at Charlottetown; and it appears by the said Plan that the Road which leads from Great George Street in Charlottetown, through the Common and Pasture Lots towards Princetown and Saint Eleanor's, has been erroneously laid off, from the Southern Boundary line of Pasture Lot Number Two hundred and forty-eight, to the Southern Boundary line of Township Number Thirty-three.—And whereas, since such Survey, part of the said erroneous line of road, viz: from the Southern Boundary line of said Pasture Lot Number Two hundred and forty-eight, to the Northern Boundary line of Pasture Lot Number Three hundred and ninety-four, hath been altered by order of the said Government of this Island, to its original and proper position,

‘ as defined and marked on the original Map or Plan of the said Royalty, kept in the office of the said Surveyor General, and public money and Statute labour expended and employed thereon.—And whereas it is deemed necessary, that the said part of the said Road so altered as aforesaid, should be confirmed and established as a Public Road, and provision be made for the continuance thereof, from the said Northern Boundary of Pasture Lot Number Three hundred and ninety-four, to the Old Road leading to Princetown and Saint Eleanor’s, as aforesaid.—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that the said new line of Road leading from the Southern Boundary line of Pasture Lot Number Two hundred and forty-eight, to the Northern Boundary line of Pasture Lot Number Three hundred and ninety-four, as the same is now used, shall be, and the same is hereby established and confirmed as a Public Road; and it shall and may be lawful for the Commissioner of Highways for the District wherein the same is situate, and he is hereby authorized, at the expiration of one calendar month after the passing of this Act, to lay off and continue the said Road Sixty feet in breadth, from the said Northern Boundary line of Pasture Lot Number Three hundred and ninety-four, to the Southern Boundary line of Township Number Thirty-three, and from thence through the said Township until it shall join the present Road, being a distance from the said Boundary line of Ten Chains or thereabouts, as by reference to the said Plan will more fully appear; and the same, where so laid off, shall be, and for ever remain and continue, a Public Road, to and for the use and benefit of the people of this Island.’

*In the Title*—Strike out ‘ the Roads,’ and insert the words ‘ a certain Road,’ instead thereof.

On motion, that this House do concur with the House of Assembly, in the said amendments—

The House divided:

CONTENTS.

*The Chief Justice,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Goodman.*

NON-CONTENT.

*Mr. Smith.*

And it passed in the affirmative.

On motion, Ordered, that a further Conference be desired with the House of Assembly, on the subject matter of the last Conference.

*Ordered,* That the same Committee who managed the last Conference be a Committee to manage this further Conference, to meet in the Committee Room instantler.

A Message from the House of Assembly, by Mr. Pope.

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council on the subject matter of the last Conference—and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

On motion, Ordered, that the Committee of this House be directed to state to the Committee of the House of Assembly, that this House doth concur with the House of Assembly

in the amendments made by that House to the amendments made by the Council to the Bill intituled "An Act relating to the Roads in the Royalty of Charlottetown."

Thereupon the Committee went to the Conference, and having returned, reported, that they had complied with the instructions given them by this House.

A Message from the House of Assembly, by Mr. Pope, with the Bill intituled "An Act relating to a certain Road in the Royalty of Charlottetown," agreed to, as amended in Conference.

On motion, the said Bill, as amended, was read a third time.

On motion, that the said Bill do pass, the House divided:

CONTENTS.

NON-CONTENT.]

*The Chief Justice,*

*Mr. Smith.*

*Mr. Haviland,*

*Mr. Attorney General,*

*Mr. Breckèn,*

*Mr. Goodman.*

And it passed in the affirmative.

*Mr. Haviland*, from the joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to transmit to His Majesty's Ministers, the joint Address of the Council and Assembly to His Majesty, on the subject matter of Lord Glenelg's Circular Despatch, relative to the Local Currency of the Colonies, presented to the House an Address, as prepared by the Committee, and the same was read, and is as followeth, viz:

*To His Excellency Major-General Sir JOHN HARVEY, K. C. H. and C. B., Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

The Joint Address of the Legislative Council and House of Assembly of Prince Edward Island.

*May it please your Excellency;*

The Legislative Council and House of Assembly having agreed to a Joint Address to His Majesty, praying that His Majesty may be graciously pleased to remove those restrictions which prevent your Excellency from giving your assent to any act or ordinance, or proclamation or regulation, relating to the local currency and circulating medium, or to the circulation of Promissory Notes or other paper by any corporate bodies or individuals, without first receiving His Majesty's sanction—respectfully request that your Excellency will be pleased to transmit the same, and use your influence to obtain for this Colony the object prayed for in the said Address.

*Ordered,* That the said Address be agreed to.

A Message from the House of Assembly, by Mr. Pope.

Mr. President,

The House of Assembly have appointed Mr. Pope, Mr. Macdonald, Mr. Palmer, Mr. Binns and Mr. McCallum, a Committee, to join a Committee of the Council, to wait upon His Excellency the Lieutenant Governor with the Address, praying that he will be pleased to forward to the proper quarter, the joint Address of the Council and Assembly to His Majesty, relative to the Right Honorable Lord Glenelg's Circular Despatch of the 31st August, 1836.



On motion, Ordered, that a Committee be appointed to join the Committee of the House of Assembly, to wait upon His Excellency the Lieutenant Governor with the said Address.

*Ordered*, That Mr. Haviland, Mr. Brecken and Mr. Smith be a Committee for that purpose; who returning, reported that they had waited on His Excellency, and that he was pleased to say he would have much satisfaction in complying with the desire of the Council and Assembly.

His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the immediate attendance of the House of Assembly in the Council Chamber.

The House of Assembly, with their Speaker, attended accordingly, when His Excellency was pleased to give his assent to the following Bills, viz:

*An Act for establishing the Standard weight of Grain and Pulse, and for the appointment of Officers for measuring and weighing the same.*

*An Act to continue an Act for regulating the weight and quality of Bread within the Town and Royalty of Charlottetown.*

*An Act for granting Patents for useful Inventions.*

*An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and Navigable Rivers.*

*An Act relating to the Titles to Lands acquired under Deed from Sheriffs or Coroners.*

*An Act relating to Merchant Seamen of this Island.*

*An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision in lieu thereof.*

*An Act to confirm certain Sales of Lands and Tenements made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the effects of their Absent or Absconding Debtors.*

*An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island.*

*An Act for consolidating and amending the Act for the appointment of Limits and Rules for the Jail of Charlottetown, and the Act for regulating the Jails in King's and Prince Counties.*

*An Act to repeal certain parts of an Act intituled "An Act for the Limitation of Actions and for avoiding Law Suits," so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof.*

*An Act to regulate the duties and charges of Pilots, and to repeal the Acts formerly passed for that purpose.*

*An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County.*

*An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown in the Winter season.*

*An Act to incorporate the Steam Mill Company of Charlottetown.*

*An Act to amend the several Acts of this Island relating to Small Debts.*

*An Act for vesting all estates and property in this Island belonging to or occupied for the Ordnance service, in the principal Officers of His Majesty's Ordnance, and for granting certain powers to the said principal Officers.*

*An Act for vacating the Seats of Members of the Assembly in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose.*

*An Act to explain and amend an Act passed in the Fourth year of His present Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and "for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned."*

*An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America," to sue and be sued in the name of any one of the local Directors, or of the Manager or Agent for the time being of the said Company in this Island.*

*An Act for regulating the Herring and Alewives Fisheries.*

*An Act to prohibit the Exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned.*

*An Act to authorize the appointment of a Coal Meter for Charlottetown.*

*An Act relating to a certain Road in the Royalty of Charlottetown.*

After which the Speaker of the House of Assembly addressed His Excellency as follows—

May it please your Excellency;

It now becomes my duty, in the name and on behalf of His Majesty's dutiful and loyal subjects the Commons of Prince Edward Island, to present, for your Excellency's assent, the several Bills of Aid which have been granted this Session for the support of His Majesty's Provincial Government for the present year; and the liberality with which the necessary supplies have been granted—the harmony which has subsisted between the different branches of the Legislature, and the unanimity with which in general the business of the Session has been conducted, will, I trust, afford conclusive evidence of their desire to advance the best interests of the Colony now entrusted to your Excellency's administration.

I cannot omit the present opportunity of expressing, in the name of the House of Assembly, their sincere thanks for the ready attention which has been uniformly bestowed by your Excellency to the numerous representations which, in the performance of their public duty, they have deemed it expedient to submit for your Excellency's consideration—and I beg to assure your Excellency, at the termination of this protracted Session, that they entertain a due sense of the value of your zealous and enlightened endeavours to promote the public welfare.

And then Mr. Speaker presented the following Bills, viz:

*An Act for the encouragement and support of District and other Schools, and to repeal the Act formerly passed for that purpose.*

*An Act to explain and amend two several Acts of the General Assembly therein mentioned, for raising a Fund by an Assessment on Land.*

*An Act to continue for one year an Act passed in the Fifth year of His present Majesty's Reign, providing for the payment of Interest on Warrants.*

*An Act to empower the Inhabitants of Charlottetown to assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Buildings thereon.*

*An Act for levying an Assessment on all Lands in this Island.*

*An Act for the increase of the Revenue of this Island.*

*An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-seven.*

To each of which, His Excellency was pleased, in His Majesty's name, to signify his assent.

And then His Excellency was pleased to make the following Speech to both Houses:

*Mr. President, and Gentlemen of His Majesty's Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

The business of the Session having been brought to a conclusion, it only remains for me to release you from further attendance upon your Legislative duties. In doing this, I feel myself called upon to express to you my warmest acknowledgments for the cordial co-operation which I have invariably experienced, and for the prompt attention with which all my suggestions and recommendations have been received by you respectively—and as regards your intercommunication with each other, the zeal, harmony and unanimity with which you have acted together for the common good, has been most gratifying to me to witness, and permit me to add, most advantageous to the public interests.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I thank you in His Majesty's name for the liberality of the Supplies which you have voted for the public service generally, and more especially, for the extensive relief which you have enabled the Executive Government to afford to the necessitous settlers, both in food and seed—and the more so, as this measure has been adopted in opposition to a principle, of the soundness of which no one can be more convinced than myself, having so long witnessed in another Colony the direct tendency of such aid to encourage careless Husbandry, and actually to operate as a premium upon improvidence.—I am satisfied that no such result is to be apprehended among the frugal and industrious settlers of this Island, and I advert to it only to shew the extent of the obligation which your liberality has imposed upon them.

In concluding what I have separately to address to you, I beg to offer you my tribute of applause for the firmness with which you have vindicated the loyalty of the Colony, and have advocated and asserted those sound constitutional principles, upon the due maintenance of which, its peace, good order and prosperity wholly depend—That peace, that good order, and that prosperity, it has been my most anxious desire and my unceasing object to promote by every means within my power—and I do not doubt that you will continue to co-operate with me by doing what may depend upon your influence, authority and example, to maintain this desirable state of things in your respective districts.

*Mr. President, and Gentlemen of His Majesty's Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I will not detain you by recapitulating the measures of public utility which your labours have perfected during the present Session, and which have been and are about to be placed upon the Statute Book of the Colony; of which the most prominent have for their objects—the relief of the distressed settlers—the improvement of the internal communications of the Island—the education of its youth—the security of its public records—and the increase of its revenues—objects which cannot but satisfy the Inhabitants of the Island at large, that you have been zealously employed for their good. For myself, whether I remain amongst you or am called elsewhere by the commands of our gracious Sovereign, the happiness and prosperity of the inhabitants of this Island will never cease to be regarded by me with a degree of interest which has been greatly enhanced by the manner in which I have been received in it, and by the confidence which has been so liberally reposed in me by its Legislative Bodies.

After which the President of the Council said—

Gentlemen;

It is the will and pleasure of His Excellency the Lieutenant Governor, that this General Assembly be prorogued until Thursday the First day of June next; and this General Assembly is accordingly prorogued until Thursday the First day of June next.

# APPENDIX

## TO THE

# JOURNAL.

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[SEE PAGE 22.]

Award of the Commissioners severally appointed by the Provinces of Lower Canada, New Brunswick, Nova Scotia and Prince Edward Island, with respect to the proposed Light Houses on the Islands of Scatari and Saint Paul.

HIS MAJESTY'S Government having announced, through the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonies, their disposition to render less dangerous the navigation of the Gulph of Saint Lawrence, by erecting Light Houses upon the Islands of Saint Paul and Scatari, off the coast of Cape Breton, at the expense of Government, provided the Colonies, whose trade will be benefitted, engage to defray the expenses of their future maintenance; and having brought the subject under the consideration of the respective Legislatures of Lower Canada, New Brunswick, Nova Scotia and Prince Edward Island, for the purpose of obtaining a commission of arbitration appointed by them, with power of adopting a final award as to the site, structure and apportionment of the annual expenses of such Light Houses, or any arrangement better adapted to the exigencies of the case: and whereas such proceedings were adopted thereon, that the Legislature of Lower Canada, after maturely considering the subject thus referred to them, passed an Act or Statute, whereby Augusten Norbet Morin, Esq. (or in case of his sickness, or any other impediment, such other person as should be appointed by the Governor, or person administering the Government,) is constituted a Commissioner on the part of the Province of Lower Canada, for the purpose of determining and deciding, jointly with the Commissioners appointed for the same purpose by the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, with respect to the most fit sites for the proposed Light Houses, and the sums of money required for the erection of the same, as well as for their future support after they shall have been erected; and to determine under what management and controul the yearly expenses of the said Light Houses ought to be placed; and to apportion the sum of money which the Province of Lower Canada ought to contribute annually toward the maintenance of the said Light Houses, according to the Tonnage of Vessels trading to or from that Province, as compared to the tonnage of vessels trading to and from the other Provinces above mentioned, and to the benefit which each Province respectively may be expected to derive from the said Light Houses, and to report his doings and proceedings to the Three Branches of the Legislature of the said Province, within the first Fifteen days of the Session next after the time when the business assigned to him shall be brought to a close.

And the House of Assembly of the Province of New Brunswick proceeded to the consideration of the subject on the Tenth day of March last, and Resolved, that measures should be adopted to ascertain the number, proper sites, and description of Lights, which it might be necessary to erect on Saint Paul's Island, in order to afford sufficient protection to Vessels passing that Island; and further, if two good and sufficient Light Houses, with Bells and Guns, should be erected in proper situations, and maintained by the Board of Commission in Nova Scotia, on the Island of Saint Paul; and also, one Light House on Scatari Island; and if the establishment at present on Saint Paul's Island, for the preservation and comfort of shipwrecked persons, be also continued and maintained by the said Board of Commission of Nova Scotia—then the said Province of New Brunswick would contribute and pay towards the same, the annual sum of Two hundred and fifty Pounds: and the said House of Assembly did afterwards, on the Fourteenth day of the same month,

renew the consideration of the subject, and after reciting the humane and benevolent solicitude of His Majesty's Government for the welfare and prosperity of His Majesty's North American Colonies, and the disposition of the House to meet the liberal and humane purpose of the Government, by pledging itself to contribute the sum of Two hundred and fifty Pounds annually towards the maintenance of Light Houses on the above mentioned Islands, and expressing a confident hope that the Canadas, Nova Scotia and Prince Edward Island would contribute such further sums as might be necessary for the maintenance of such Light Houses, and that the same might in consequence be erected in the course of the ensuing Summer; and that it was expedient that persons should be appointed, to whom might be communicated during the recess, such information relative to the erection of such Light Houses as His Excellency the Lieutenant Governor might receive from His Majesty's Government or the Sister Colonies—Resolved, that the Honorable Joseph Cunard, Alexander Rankin and William Abrams, should be a Committee to receive all such communications as His Excellency the Lieutenant Governor might think necessary to transmit to them during the recess, with a view to every facility being given to the erection of those Light Houses, so necessary to the protection of commerce and the cause of humanity.

And the Legislature of the Province of Nova Scotia, after mature consideration, did, on the Fourth day of April last, pass an Act or Statute, whereby it is lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint one or more Commissioners, to be joined with Commissioners appointed by the Governors of the Provinces of Lower Canada and New Brunswick, or their respective Legislatures, to ascertain and define the most fit sites for Light Houses on said Islands, the most efficient structure for the same, and to ascertain and report the sums of money required for the erection of the same, as well as for their future support, and to apportion the sum of money which each Province shall contribute annually towards the maintenance of such Light Houses: and it is further enacted by the said Statute, that all reports and statements shall be made and returned by the said Commissioners to the Secretary of the Province for the information of the Governor and Legislature of the Province; and His Excellency Major General Sir Colin Campbell, K. C. B., Lieutenant Governor and Commander in Chief in and over the Province of Nova Scotia, did, by his Commission under his hand and seal, dated the Seventh day of May last, nominate the Honorable Samuel Cunard, of Halifax, and Edmund Murray Dodd, of Sydney, Cape Breton, Esq. Commissioners, to carry into effect the said Act, in the most full and ample manner.

And the Legislature of Prince Edward Island also considered the subject, and passed an Act or Statute, authorising the Lieutenant Governor, or person administering the Government, to nominate one Commissioner to meet those appointed by the other Colonies, for the purpose of defining the most eligible sites for said Light Houses, the mode of structure, and apportionment of the annual contribution for the maintenance and support—In pursuance of which, the Honorable George Wright, the President and Administrator of the Government of Prince Edward Island, did, by his Commission, duly executed, constitute Thomas Owen, Esq. a Commissioner, for the purposes in said Act expressed, and to carry the same into effect.

And the said Commissioners having mutually produced and shewn their powers, and having assumed and taken upon themselves the charge of Award and Arbitrament on the foregoing subject, and several of said Commissioners having visited said Islands of St. Paul and Scatari, and having heard and considered the testimony of skilful and intelligent persons experienced in maritime pursuits, and conversant with the dangers of navigating the Gulph of St. Lawrence, the Coast of Cape Breton, and the adjacent Seas, and the means of diminishing the same; and having also examined persons extensively engaged in Colonial commerce, and ascertained the relative tonnage owned in said Colonies, have agreed on and concluded this Award, Arbitration and Judgment, as follows:

*First.*—That the superintendence of building Light Houses on the Islands of Saint Paul and Scatari, shall be vested, as recommended by the Right Honorable Lord Glenelg, in the Board of Commissioners, appointed by the Government of Nova Scotia.

*Second.*—That two good and sufficient Light Houses, with Bells and Guns, shall be erected on Saint Paul's Island, at the extreme points, so as to be conspicuous on entering and leaving the Gulph of Saint Lawrence: and the Light House on the Island of Scatari shall be erected on the East point of said Island, which is about thirty feet above the level of the Sea.

*Third.*—That the Light Houses on Saint Paul's Island should be of suitable elevation, and constructed on such principles, and with such further additions and appendages, as may render them useful and conspicuous in a foggy atmosphere, with Keeper's House, Stores and Store Houses, with frost proof Cellars, to preserve

provisions for the relief of shipwrecked persons, detached from the Light Houses. That the establishment on the Island of Scatari should consist of one Light House, with Revolving Lights, to distinguish it from others on the coast; with a Keeper's House, Warehouse and Cellars, similar to those recommended for Saint Paul—subject, however, to any improved mode of constructing such Lights, as the said Board of Commissioners may think fit to adopt.

*Fourth.*—As the proposed Light Houses will stand on exposed and prominent situations, and be approached by all Vessels entering the Saint Lawrence, they ought to be of substantial and improved construction, no correct judgment of the probable expense of erecting the Lights can be formed, without procuring Plans and Estimates, owing to the variety of materials which might be employed in the construction of the Buildings, and the numerous additions and improvements which it may be thought advisable to adopt—it is therefore recommended, that the whole duty of fixing upon the materials to be employed, and the plans to be adopted for the Lights, be left to the discretion of such persons as may be charged with the superintendence of their erection. That the establishment of Saint Paul's will require One Superintendent, and Six other persons under his direction, with Boats and a continued supply of Provisions, Clothing, Bedding, Fuel, &c. for the use and assistance of shipwrecked persons: and that the establishment at Scatari shall consist of One Superintendent and three other persons, with a Boat and a continued supply of Provisions, Clothing, Bedding, Fuel, &c. for the use and assistance of shipwrecked persons: that all the Lights shall be kept burning throughout the year.

As to the maintenance of the said Lights and humane establishments, it will be apportioned and borne as follows (that is to say)—

*First.*—New Brunswick shall pay to the Government of Nova Scotia, into the Treasury thereof, Two hundred and fifty Pounds, Halifax Currency, on the First day of July in each and every year after the said Light Houses and humane establishments shall be in operation, and as long as they continue to be so, in conformity with the provisions of this award.

*Second.*—Lower Canada shall pay to the Government of Nova Scotia, into the Treasury thereof, Five hundred Pounds, Halifax Currency, on the First day of July of the first year after the said Light Houses and humane establishments are in operation, and then at the same period in every year, as long as they shall continue to be so, a proportionate part of a sum, which, added to the unexpended balance (if any) remaining from the preceding year, (New Brunswick in this respect being considered as having contributed the same amount as Nova Scotia) as shall amount to a sum of One thousand and thirty Pounds Currency.

*Third.*—Prince Edward Island shall, in like manner, pay to the Government of Nova Scotia, into the Treasury thereof, Thirty Pounds, Halifax Currency, on the First day of July of the first year after the said Light Houses and humane establishments are in operation, and then at the same period in every year, as long as they continue to be so, a proportionate part of a sum, which, added to unexpended balance (if any) remaining from the preceding year, (New Brunswick being in this respect considered as having contributed the same amount as Nova Scotia) as shall amount to the said sum of One thousand and thirty Pounds Currency.

*Fourth.*—Nova Scotia shall itself contribute a sum of Two hundred and fifty Pounds, Halifax Currency, for the first year after the said Light Houses and humane establishments are in operation, and then for every year as long as they shall continue to be so, a proportionate part of a sum, which, added to the unexpended balance (if any) remaining from the preceding year, (New Brunswick being in this respect considered as having contributed the same amount as Nova Scotia) as shall amount to the said sum of One thousand and thirty Pounds Currency. And with the amount so contributed, the Government of Nova Scotia shall support, uphold and maintain the said Light Houses and humane establishments—it being well understood, that in case the said amount shall prove insufficient in any one year, the deficiency ought to be provided by the respective Legislatures of Lower Canada, Nova Scotia and Prince Edward Island, in such manner as shall appear to them most eligible, and in the same ratio as the contribution settled in this present Award.—But as to New Brunswick, the sum of Two hundred and fifty Pounds aforesaid, shall be a settled and permanent contribution, the overplus (if any) going to Nova Scotia, and the proportionate deficiency (if any) being borne altogether by the last mentioned Province of Nova Scotia, so as to have the expense and contribution for Nova Scotia and New Brunswick considered as altogether alike in amount with the aforesaid Provinces of Lower Canada and Prince Edward Island.

*Fifth.*—It is also expressly understood, that if said Light Houses and establishments are destroyed or impaired by fire, tempest, or other causes, that the expense of rebuilding or repairing the same shall not devolve on the Province of Nova Scotia alone, but be sustained by the Government of Great Britain, or as may be otherwise agreed and decided upon.

*Sixth.*—That the Board of Commissioners of Nova Scotia shall render accounts in each and every year to the House of Assembly of Nova Scotia, duplicates of which shall be transmitted annually to the Legislatures of Lower Canada, New Brunswick and Prince Edward Island, respectively.

*Seventh.*—The Commissioners suggest that the several sums appropriated to the above mentioned Provinces ought to be permanently provided for by Acts of the respective Legislatures.

*Eighth.*—That as the establishments on the said Islands are admitted to assume the importance of National rather than Local Structures, should His Majesty's Government contribute at a future period to their support, by annual Grant, it is adjudged that a ratable deduction shall be made from the amount of each Provincial contribution.

*Ninth.*—That the respective Colonial Legislatures having acquiesced in the liberal offer of His Majesty's Government, and in a great degree assumed the responsibility of maintaining those Light Houses of the Islands of Saint Paul and Scatari, it is recommended that no time be lost in proceeding with the erection of the same, by the proper authorities.

In faith whereof, we the respective Commissioners have signed this Award and Judgment, and have hereunto affixed our Seals, at Miramichi, this Sixteenth day of August, in the year of our Lord One thousand eight hundred and thirty-six.

(Signed)

A. N. MORIN, L. S.  
ALEXANDER RANKIN, L. S.  
WM. ABRAMS, L. S.  
SAMUEL CUNARD, L. S.  
EDMUND W. DODD, L. S.  
THOMAS OWEN, L. S.

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# JOURNAL



OF THE

# LEGISLATIVE COUNCIL

OF

## Prince Edward Island.

ANNO PRIMO VICTORIÆ REGINÆ.

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FIFTH SESSION OF THE FOURTEENTH GENERAL ASSEMBLY.

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CHARLOTTETOWN:

PRINTED BY JAMES DOUGLAS HASZARD, PRINTER TO THE QUEEN'S MOST  
EXCELLENT MAJESTY.

1838.





BY HIS HONOR  
**GEORGE WRIGHT,**

**G. WRIGHT.** President and Commander in Chief in and over His Majesty's Island of Prince Edward,  
and its Dependencies, Chancellor and Vice Admiral of the same, &c. &c. &c.

## **A PROCLAMATION.**

**WHEREAS** the General Assembly of this Island stands prorogued to Thursday the First day of June next:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Wednesday the Twelfth day of July next—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of the said Island, at Charlottetown, this Twenty-fifth day of May, in the year of our Lord One thousand eight hundred and thirty-seven, and in the Seventh year of His Majesty's Reign.

By Command,

**T. H. HAVILAND,** Acting Colonial Secretary.

*GOD SAVE THE KING.*

BY HIS EXCELLENCY

**SIR CHARLES AUGUSTUS FITZ ROY, K. H.**

Lieutenant Governor and Commander in Chief in and over His Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and  
**C. A. FITZ ROY.** Ordinary of the same, &c. &c. &c.

## **A PROCLAMATION.**

**WHEREAS** the General Assembly of this Island stands prorogued to Thursday the Twelfth day of July inst:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Thursday the Twenty-fourth day of August next—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Eighth day of July, in the year of our Lord One thousand eight hundred and thirty-seven, and in the Eighth year of His Majesty's Reign.

By Command,

**T. H. HAVILAND,** Acting Colonial Secretary.

*GOD SAVE THE KING.*

BY HIS EXCELLENCY

**SIR CHARLES AUGUSTUS FITZ ROY, K. H.**

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and  
**C. A. FITZ ROY.** Ordinary of the same, &c. &c. &c.

## **A PROCLAMATION.**

**WHEREAS** the General Assembly of this Island stands prorogued to Thursday the Twenty-fourth day of August, inst:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Wednesday the Fourth day of October next—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Twenty-first day of August, in the year of our Lord One thousand eight hundred and thirty-seven, and in the First year of Her Majesty's Reign.

By Command,

**T. H. HAVILAND,** Acting Colonial Secretary.

*GOD SAVE THE QUEEN.*



BY HIS EXCELLENCY

**SIR CHARLES AUGUSTUS FITZ ROY, K. H.,**

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and

C. A. FITZ ROY. Ordinary of the same, &c. &c. &c.

## **A P R O C L A M A T I O N .**

**W**HEREAS the General Assembly of this Island stands prorogued to Wednesday the Fourth day of October, inst:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Wednesday the Fifteenth day of November next—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Second day of October, in the year of our Lord One thousand eight hundred and thirty-seven, and in the First year of Her Majesty's Reign.

By Command,

T. H. HAVILAND, Acting Colonial Secretary.

*GOD SAVE THE QUEEN.*

---

BY HIS EXCELLENCY

**SIR CHARLES AUGUSTUS FITZ ROY, K. H.**

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and

C. A. FITZ ROY. Ordinary of the same, &c. &c. &c.

## **A P R O C L A M A T I O N .**

**W**HEREAS the General Assembly of this Island stands prorogued to Wednesday the Fifteenth day of November, inst:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued until Saturday the Sixteenth day of December next—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown in the said Island, this 13th day of November, in the year of our Lord One thousand eight hundred and thirty-seven, and in the First year of Her Majesty's Reign.

By Command,

J. P. COLLINS, Colonial Secretary.

*GOD SAVE THE QUEEN.*

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BY HIS EXCELLENCY

**SIR CHARLES AUGUSTUS FITZ ROY, K. H.**

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and

C. A. FITZ ROY. Ordinary of the same, &c. &c. &c.

## **A P R O C L A M A T I O N .**

**W**HEREAS the General Assembly of this Island stands prorogued to Saturday the Sixteenth day of December instant:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Tuesday the Twenty-third day of January next, then to meet for the Dispatch of Business—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown in the said Island, this Fifteenth day of December, in the year of our Lord One thousand eight hundred and thirty-seven, and in the First year of Her Majesty's Reign.

By Command,

J. P. COLLINS, Colonial Secretary.

*GOD SAVE THE QUEEN.*

**JOURNAL**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF  
**PRINCE EDWARD ISLAND.**

---

**TUESDAY, January 23d, 1838.**

In pursuance of the foregoing Proclamations, the **Legislative Council** met.

PRESENT: .

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**H**IS Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the immediate attendance of the House of Assembly, in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased to open the Session with the following

**S P E E C H:**

*Mr. President and Gentlemen of Her Majesty's Council;*

*Mr. Speaker and Gentlemen of the House of Assembly;*

Our late lamented Sovereign having been pleased to appoint me to the Government of this Island, I have taken the earliest opportunity, which I believed would be consistent with your convenience, to meet you in General Assembly.

It is my most earnest wish, in administering the government, to conduct it upon impartial, just and constitutional principles, and to promote such measures as will be conducive to the general prosperity of the Colony and the happiness and comfort of the people. Since you last met, we have had to deplore the death of a King, who was peculiarly alive to the interests of his Colonial dominions. But we have the consolation of looking forward in the humble hope of a long and prosperous reign in the person of his successor, our most gracious Queen.

While we have to regret the revolutionary spirit which has driven a neighbouring Colony into rebellion, and brought upon it the horrors of a civil war, the loyalty and attachment to the Throne and government of the mother country, which have always been conspicuous in the inhabitants of this Island, afford a bright and pleasing contrast.

The late abundant harvest with which it has pleased the Almighty to bless the labors of the agriculturist, while it enables the poorer classes to look forward without dread to the severe season, in the confidence of being secure from want, calls for the heartfelt gratitude of the whole community.

On the visits which I considered it my duty to make to all parts of the Island, as soon as was practicable after assuming the government, I was highly gratified to observe in its agricultural properties, and the progress that had already taken place in their development, the germ, which, aided by due enterprise and industry, it is not difficult to foresee, must ripen into great future prosperity.

While the history of the world teaches the necessity of Education to the advancement of mankind, the provision you have made for the instruction of youth throughout the Colony, proclaims that you are fully aware of this great truth; and I should be wanting in what is so justly due to you, were I not to congratulate you on the exertions you have made to promote this primary and most essential object of all civilized society.

I regret that the Question of Escheat still continues a subject of agitation; but I trust the good sense of the people will induce them to abandon an expectation which, I firmly and sincerely believe, can never be realized.

I would strongly recommend to your consideration the advantages which would arise from an improved system of Prison Discipline in the internal regulation of the different Jails throughout the Island. To aid your deliberations upon this important subject, I will cause to be laid before you a mass of valuable information, which has been transmitted to me by Her Majesty's Secretary of State for the Colonies.

I shall also have to bring under your consideration other matters of interest to the well being of the Colony. These, with any other subjects of consequence, which may occur, I will communicate to you by Message.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I shall cause the proper officer to lay before you the Public Accounts for the past year. I shall also cause the Estimates for the current year to be submitted to you, relying upon your liberality to make such provision for the Public Service as the exigencies of the Government may require.

*Mr. President, and Gentlemen of the Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I invite you to the most open and unreserved communication with me on all points wherein the good of Her Majesty's subjects under this Government is concerned. I am sincerely desirous of co-operating with you in every measure calculated to promote the public welfare, and to possess your confidence and support.

I trust the unanimity which has hitherto prevailed between both branches of the Legislature may continue; and that they may be, as heretofore, distinguished for the liberality of their proceedings and their attachment to Her Majesty's Person and Government.

The Speech being ended, His Excellency was pleased to retire, and the House of Assembly having withdrawn, the President reported His Excellency's Speech, which being read by the Clerk—

**Resolved**, That an humble Address be presented to His Excellency the Lieutenant Governor, to return the thanks of the House, for his Speech delivered this day.

**Ordered**, That Mr. Haviland, Mr. Attorney General and Mr. Goodman be a Committee to prepare a Draft, pursuant to the above Resolution.

*Ordered*, That *Mr. Attorney General*, *Mr. Brecken* and *Mr. Smith*, be a Committee to revise the Journal of the House each day.

On motion, *Ordered*, That *Mr. Haviland* and *Mr. Goodman* be a Committee to examine into, and report upon such Laws as are near expiring.

On motion, *Ordered*, That the *Rev. Louis Charles Jenkins* be requested to attend this House to-morrow, at One o'clock, and each succeeding day during the Session, for the purpose of reading Prayers.

His Excellency the Lieutenant Governor requiring the personal attendance of *John P. Collins, Esq.* Clerk of the Council, *Mr. Charles Desbrisay* was appointed to act as Clerk during the present Session; and having taken the Oath of Allegiance, and also the Oath of Office, took his seat accordingly.

Adjourned until One o'clock to-morrow.

## WEDNESDAY, January 24th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by *Mr. Pope*.

In the House of Assembly,

Wednesday, January 24th, 1838.

*Resolved*, That a Committee of three Members be appointed to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

*Ordered*, That *Mr. Pope*, *Mr. Green* and *Mr. Thornton* do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the Legislative Council.

WILLIAM CULLEN, Clerk, H. A.

*Resolved*, That a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

*Ordered*, That *Colonel Lane* and *Mr. Attorney General* do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the House of Assembly.

*Mr. Haviland*, from the Committee appointed to prepare an Address in answer to His Excellency's Speech, reported, that they had prepared a Draft of the same, which was read.

On motion, the House resolved itself into a Committee of the whole, to take the said Address into consideration.

*Mr. Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Address, and agreed to the same, with several amendments.

*Ordered*, That the Report of the Committee be agreed to, and that the Address be engrossed; and the same was read, and is as follows, viz;

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

*May it please your Excellency,*

We Her Majesty's loyal and faithful subjects, the Legislative Council of Prince Edward Island, in General Assembly convened, beg to offer your Excellency our sincere thanks for your Speech, delivered at the opening of the present Session.

We had ever reason gratefully to acknowledge the anxious solicitude of our late most gracious and much lamented Sovereign, for the happiness and welfare of his subjects, the inhabitants of this Island; and in conferring the administration of the Government upon a gentleman of your Excellency's high character and liberal sentiments, an additional cause to revere his memory has been afforded us. We feel thankful for the consideration which induced your Excellency to meet us in General Assembly at a season of the year when our public duties will least interfere with our private convenience. We have already had frequent occasion to observe your Excellency's anxiety to administer the Government of this Colony upon impartial, just and constitutional principles; and we have the fullest confidence that your Excellency's future administration will continue to be solely based upon those principles which combine all that a free and enlightened people can desire.

Whilst we deplore, with your Excellency, the death of our late beloved Monarch, whose paternal interest was always so kindly and feelingly evinced towards his Colonial subjects, we hail, in common with your Excellency, the anticipation of a long and prosperous reign, in the person of his young and amiable successor, our Sovereign Lady Queen Victoria.

We deeply lament the progress of that revolutionary spirit, implanted and fostered by a few factions and designing demagogues, which has brought civil war, with all its attendant calamities, into a hitherto peaceful and happy sister Colony; but we indulge the hope, that out of this evil good may eventually come; and that the tragical occurrences in Lower Canada will operate as a solemn warning to all Her Majesty's Colonial subjects, not to lend themselves to the designs of restless and unprincipled men, who, under the specious mask of patriotism, selfishly seek their own aggrandisement, at the cost of the peace and happiness of their fellow subjects. We have, however, every reason to believe, that this Colony will continue to sustain that character for loyalty, and attachment to the Mother Country, for which it has ever been distinguished.

Our deepest feeling of gratitude is due to a bountiful Providence, for the late abundant harvest, and for the cheering prospect which is thereby afforded to all classes of a community so peculiarly dependent upon agriculture as the inhabitants of this Colony.

The early interest evinced by your Excellency in the welfare of the Colony, by visiting its remotest parts so speedily after your arrival among us, with the view of making yourself personally acquainted with the wants of the people and the capabilities of the soil, entitles your Excellency to our warmest thanks; and the unwearied zeal with which you have subsequently endeavoured to ameliorate the one, and by your influence, and the exercise of your practical knowledge, to encourage the development of the other, induces us to hope, that, aided by the industry and enterprise of its inhabitants, your Excellency's anticipations of the future prosperity of the Colony will not fail to be realized.

We fully agree with your Excellency in your estimate of the value and necessity of Education, to fit man for his relative duties in civilized society; and we shall always, as hitherto, be disposed gladly to concur in any measure by which this most desirable object can be promoted.

It is much to be regretted, that the question of Escheat still continues to be agitated; but we trust that the opinion so strongly expressed by your Excellency, will be the means of disabusing the minds of the people on this subject.

We freely acknowledge that an improved system of Prison Discipline, in the regulation of the different Jails throughout the Colony, is much required; and we will thankfully avail ourselves of any information which your Excellency may be pleased to lay before us, and which may assist us in giving effect to your Excellency's recommendation on this important point; and to all other matters of interest, which your Excellency may deem it expedient to bring under our notice, the most respectful attention shall be given.

We thank your Excellency for your offer to communicate unreservedly and openly with us; and we beg to assure your Excellency, that you possess our entire confidence, and that we shall at all times be ready to afford you our cordial co-operation and support, in all measures calculated to promote the public welfare.

We beg to assure your Excellency, that nothing shall be wanting on our part to preserve that unanimity which has hitherto existed between the two branches of the Legislature; and we trust that our proceedings will ever be marked by an earnest endeavour to advance the best interests of the Colony, and by a sincere attachment to Her Majesty's person and government.

On motion, Ordered, that the said Address be presented to His Excellency by the whole House.

On motion, Ordered, that a Committee, consisting of *Mr. Haviland*, *Mr. Attorney General* and *Mr. Goodman*, do wait upon His Excellency to know at what time His Excellency will be pleased to receive the said Address.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, January 25th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*Mr. Attorney General* from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when His Excellency would be pleased to receive the Address of this House in answer to his Speech, reported, that they had waited on His Excellency, who was pleased to say that he would receive the Address on Saturday next, at One o'clock.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, January 26th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

*Mr. Attorney General* moved for leave to bring in a Bill to amend the Act for recovering Debts from absent or absconding Debtors.—Leave being granted, the said Bill was brought in and read a first time.

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, January 27th, 1838.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**PRAYERS.**

**READ** the proceedings of yesterday.

The Council adjourned to wait upon His Excellency with their Address; and having returned, the President reported, that the House had presented their Address, and that His Excellency had been pleased to return the following answer:

**GENTLEMEN;**

The assurance contained in this Address, that I possess your entire confidence, is highly gratifying to me; and I return you my sincere thanks for your readiness to afford me your cordial co-operation and support in all measures calculated to promote the public welfare.

Adjourned until Twelve o'clock on Monday next.

**MONDAY, January 29th, 1838.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**PRAYERS.**

**READ** the proceedings of Saturday.

Adjourned until Twelve o'clock to-morrow.



## TUESDAY, January 30th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD a second time, the Bill to amend the Act for recovering Debts from absent or absconding Debtors.

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow,

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, January 31st, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:  
C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, transmitting an Order of Her Majesty in Council, dated the 21st August last, allowing an Act of the Legislature of this Island, passed during the last Session, intituled "An Act for vesting all Estates and Property in this Island, belonging to, or occupied for the Ordnance service, in the principal Officers of His Majesty's Ordnance, and for granting certain powers to the said principal Officers."

Government House, January 31st, 1838.

[COPY.]

No. 12.

DOWNING STREET, 7th September, 1837.

SIR,

An Act passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, in the month of April last, (No. 453), having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion, that the said Act should be left to its operation.

I have the honor to transmit to you herewith an Order of Her Majesty in Council, dated the 21st ult., approving that Report.

I have, &amp;c.

(Signed)

GLENELG.

Lieut. Governor Sir C. A. Fitz Roy,  
Prince Edward Island.

[COPY.]

AT THE COURT AT BUCKINGHAM PALACE, THE 21ST AUGUST, 1837.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY,

*The Lord Chamberlain,  
The Earl of Albemarle,  
Viscount Palmerston,  
Viscount Melbourne,*

*Lord Holland,  
Lord Glenelg,  
Mr. Chancellor of the Exchequer.*

**WHEREAS** the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April last, pass an Act, which has been transmitted, entitled as follows, viz:

No. 453.—'An Act for vesting all Estates and Property in this Island belonging to or occupied for the Ordnance Service, in the Principal Officers of His Majesty's Ordnance, and for granting certain powers to the said Principal Officers.'

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have reported as their opinion to Her Majesty, that the said Act should be left to its operation; Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report; whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

*Ordered,* That the foregoing documents do lie on the Table.

Pursuant to the Order of the Day, the House resolved itself into a Committee of the whole, on the Bill to amend the Act for recovering Debts from absent or absconding Debtors.

*Mr. Attorney General* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and agreed to the same, with an amendment.

*Ordered,* That the Report of the Committee be agreed to, and that the Bill be engrossed.

Mr. *Haviland*, from the Committee appointed to examine into, and report upon the expiring Laws, reported as follows, viz:

The Act, 2 Will. 4, cap. 24, intituled 'An Act to provide Salaries for Sub-Collectors of Customs,' will expire the last day of the present Session.

The Act, 7 Will. 4, cap. 6, intituled 'An Act to empower the Inhabitants of Charlottetown to assess themselves, for the purpose of purchasing or renting sites for Engine Houses, and for erecting such buildings thereon,' will expire the last day of the present Session.

The Act, 7 Will. 4, cap. 17, intituled 'An Act to continue for one year an Act passed in the Fifth year of His present Majesty's reign, providing for the payment of Interest on Warrants,' will expire on the 20th day of April next.

The Act, 2 Will. 4, cap. 4, intituled 'An Act authorizing the removal of Nuisances from the Streets of Charlottetown,' will expire the last day of the present Session.

The Act, 4 Will. 4, cap. 10, intituled 'An Act for the better preventing accidents by Fire within the Town of Charlottetown,' will expire the last day of the present Session.

The Act, 3 Will. 4, cap. 5, intituled 'An Act to continue an Act for regulating the driving of Carts, Carriages, Sleighs and Carioles on the Highways,' will expire on the Sixth day of April next.

The Act, 7 Will. 4, cap. 32, intituled 'An Act for the Increase of the Revenue of this Island,' will expire on the Seventh day of May next.

The Act, 7 Will. 4, cap. 28, intituled 'An Act to prohibit the exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned,' expired on the 1st day of August last.

The Act, 11 Geo. 4, cap. 17, intituled 'An Act for raising a fund, by an Assessment on Land, for erecting a Government House and other Public Buildings within this Colony,' and the Act, 3 Will. 4, cap. 29, in amendment thereof, will expire on the last day of the present Session.

*Ordered*, That the said Report do lie on the Table.

Adjourned until One o'clock to-morrow.

**THURSDAY, February 1st, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill, intituled 'An Act to amend the Act for re-covering Debts from absent or absconding Debtors.'

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

The President gave notice of his intention to move for leave to bring in a Bill to regulate Prison Discipline in the several Gaols within this Island.

Adjourned until One o'clock to-morrow.

**FRIDAY, February 2d, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*.

*Mr. Haviland*,

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Thornton, with a Bill intituled 'An Act for further continuing an Act passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled 'An Act to provide for the payment of Interest on Warrants, which are not paid at the Treasury on demand,'—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o'clock to-morrow.

## SATURDAY, February 3d, 1838.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, dated the 29th September last, inclosing Copy of a Memorial from the "Proprietors of Land, and others interested in the prosperity of Prince Edward Island," protesting against the Royal Assent being given to an Act passed during the last Session of the Legislature, for levying an Assessment on all Lands in the Island; and demanding an opportunity of stating and suggesting their objections to it, by their Counsel, before the Judicial Committee of the Privy Council.

Accompanying this Memorial, is a letter from Mr. Waller, Secretary to the Prince Edward Island Association, together with one from Mr. Hill, containing a paper of observations on the Act.

And the Lieutenant Governor is instructed to invite the Council to furnish such statements as it may think necessary for the assistance of the Queen in Council, in deliberating on the question, which awaits Her Majesty's decision.

Government House, January 29th, 1838.

No. 13.

DOWNING STREET, 29th September, 1837.

SIR,

In my Despatch, No. 10, of the 25th August, I apprised you that the final decision of Her Majesty, with regard to the Act of the Legislature of Prince Edward Island, for levying an Assessment on all Lands in the Island, would be suspended for six months from the date of its passing, in order to give the Proprietors of Land, resident in this country, a sufficient opportunity to urge any objections which they might entertain to its provisions.

I have now the honor to acquaint you, that on the afternoon of the 14th instant, a Memorial was delivered at my Office from "the Proprietors of land, and others interested in the prosperity of Prince Edward Island," protesting against the Royal Assent being given to that Act, and demanding an opportunity of stating and supporting their objections to it, by their Counsel, before the Judicial Committee of the Privy Council.

I inclose a copy of that Memorial, and also of a letter which has been addressed to me by Mr. Waller, the Secretary to the Prince Edward Island Association, together with a letter from Mr. Hill, an extensive landholder, containing a paper of observations on the Act.

And I have to instruct you to lay before the Council and Assembly copies of these documents, and to invite them to furnish such statements as they may think necessary for the assistance of the Queen in Council, in deliberating on the question which awaits Her Majesty's decision.

Until the answer to this reference shall have been received, all further proceedings on this Act will be suspended.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

Sir Charles A. Fitz Roy, K. H.

&c. &c. &c.

[For the said Documents, see Appendix (A.), at the end of the Journals of this Session.]

*Ordered*, That the above Message, with the Documents accompanying the same, do lie on the Table.

A Message from the House of Assembly, by Mr. Thornton, with a Bill intituled 'An Act to provide Salaries for Sub-Collectors of Customs, at the several Out Ports therein mentioned,' to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Read the said Bill a second time.

Adjourned until One o'clock on Monday next.

## MONDAY, February 5th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Saturday.

Read a second time, the Bill intituled An Act for further continuing an Act passed in the Fifth year of the Reign of his late Majesty King William the Fourth, intituled 'An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand.'

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly

**Two Messages from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:**

**FIRST MESSAGE.**

**C. A. FITZ ROY, Lieutenant Governor.**

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, dated the 10th May last, by which it will appear that the Legislature is empowered by the Sixty-fifth Section of the Mutiny Act, to lower the amount of the minimum penalty of £5, imposed by that Act for the fraudulent purchase or possession of soldiers' necessaries, equipments, &c. to such a sum as they shall consider adapted to the ability and pecuniary means of all classes residing on the Island—which the Lieutenant Governor recommends to the consideration of the Council.

Government House, February 5th, 1838.

[COPY.]

**CIRCULAR.**

DOWNING STREET, 10th May, 1837.

SIR,

My attention has been called to the 65th Section of the Mutiny Act, which attaches a Penalty of not less than £5, nor more than £20, to the fraudulent purchase or possession of soldiers' necessaries, equipments, &c., which minimum penalty is considered far too high to be imposed upon the lower classes of society in the Colonies.

An addition to this Clause has, in consequence, been made in the Mutiny Bill of the present year, empowering the local Legislature, on the recommendation of the Acting Governor of any such Colony, to lower the amount of such Penalty to such a sum as they shall consider adapted to the ability and pecuniary means of all classes residing in the Colony.

Previously to laying such a recommendation before the Legislature of the Colony under your government, you will take especial care that it meet with the concurrence of the Officer in the local command of the Forces.

You will further observe, that, in conformity with the 79th Section, the Mutiny Act of the past year is superseded by that of the present year, so soon as it shall have been promulgated in General Orders.

The Secretary at War will desire the Officers commanding the Forces in the Colonies to communicate their General Orders under this head to the Civil authorities, for their information and guidance.

I have, &c.

(Signed)

GLENELG.

Lieut. Governor Sir C. A. Fitz Roy, K. H.

Prince Edward Island.

**SECOND MESSAGE.**

**C. A. FITZ ROY, Lieutenant Governor.**

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, dated the 5th July last, with a letter from the Prison Discipline Society in England, relating to the state of Jails and Prison Discipline in the Colonies—inclusing, also, the Copy of the Rules and Regulations adopted by the Lieutenant Governor of the Bahamas, for the management of Jails in those Islands. The Lieutenant Governor also submits to the Council, copy of a Presentment of the Grand Jury of Queen's County, calling the attention of the Government to the state of the Jail in Charlottetown, with a view to effect a classification of prisoners, and pointing out how so desirable an object may be effected.

The Lieutenant Governor recommends these Documents to the early consideration of the Council, and trusts they may be the means of effecting an improvement (so much wanted) in the Jails of this Island.

To assist the Council in its deliberations on this important subject, the Lieutenant Governor submits, for the perusal of the Council, a volume published by Her Majesty's Government, containing extracts from the second Report of the Inspectors of Prisons for the Home District—and also a copy of the Rules adopted for the House of Correction of Petworth, in Sussex.

Government House, February 5th, 1838.

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CIRCULAR.

DOWNING STREET, 5th July, 1837.

SIR,

I have the honor to transmit to you the Copy of a Letter addressed to one of my Under Secretaries, by the Committee of the Prison Discipline Society in this Country, relating to the state of the Jails and Prison Discipline in the Colonies, and containing much useful information on that subject.

I likewise inclose a Copy of the Rules adopted by the Lieutenant Governor of the Bahamas, for the management of the Jails in those Islands, which Rules have been approved of by the Society above named.

In conclusion, I have to desire that you will use your best endeavours to give effect to the suggestions of the Committee of Prison Discipline, so far as local circumstances will admit, in the Colony under your Government.

I have, &c.

(Signed)

GLENELG.

Sir Charles A. Fitz Roy, K. H.

&c. &c. &c.

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18, ALDERMANBURY, March 23d, 1837.

SIR,

I beg to acknowledge the receipt of your three Letters, dated January 19th and 21st, and February 9th, with the accompanying Papers, relative to the state of the Prisons in the Colonies; and, in compliance with the request of Lord Glenelg, I have submitted the same to the Committee of the Prison Discipline Society, for their consideration.

In looking over the various Reports, it is highly gratifying to find that improvements are in progress in several of the Colonial Jails, by the introduction of Laws and Regulations for their internal government and discipline.—Some of these papers, however, are by no means of recent date; and it cannot, therefore, be ascertained how far the spirit of improvement has generally prevailed.

The Committee are desirous to call the attention of Lord Glenelg to the annexed paper of "Remarks," as to the defects which appear to exist in many of the Prisons in the Colonies; and, with a view to remedy some of the evils, particularly as to the state of the Buildings, I beg to suggest, that the plans of all the Jails, &c. should be obtained, in order that the benefits resulting from an improved system of construction and arrangement may be pointed out, in reference to such new buildings as it may be found necessary to erect, or alterations to be made in the old Jails.

I have also to submit to his Lordship, that an enlarged form of Returns, (agreeably to the one annexed,) should be sent to each Colony, with a view to obtain more detailed information on certain points than is already possessed; and that the answers to such inquiries should, in all cases, be accompanied by copies of the Laws and Regulations which have been, or are about to be, established in each Colony.

The Committee wish me to urge the necessity of Local Inspectors being appointed, to visit the Prisons at frequent intervals, (as suggested in my former Letter to Lord Glenelg,) a measure which, it is considered, would greatly facilitate the establishment of an effective system of discipline.

I return, herewith, all the original papers which you forwarded to me on this subject; and also send you,



by request of the Committee, a packet containing four books of Prison Plans, twelve copies of Rules for Jails, and twelve descriptions of the Tread-mill.

I have the honor to be, Sir,

Your very obedient servant,

(Signed)

SAMUEL HOARE,  
Chairman of the Committee.

Sir George Grey, Bart., &c. &c.

P. S.—There is another subject to which I beg to call your attention, viz: that a List of Questions be forwarded to New South Wales, similar to that which was prepared for Van Dieman's Land, and sent to the Colonial Office in August last.

### REMARKS ON THE COLONIAL PRISONS.

The official Reports which have been recently received from the West Indies, state, that new Prison Buildings are about to be erected at Jamaica, Barbadoes, Demerara, Tobago, Nevis, Dominica, &c. It is, therefore, considered desirable that a Plan of each Prison should be forwarded to the Colonial Office; also Plans of any new Prisons which are about to be erected, and of any alterations or additions to be made in the present Jails.

In Lower Canada, new Prisons are proposed to be constructed on the Auburn plan, (of association at labour in silence,) which has been recommended by a Committee appointed to consider the Penitentiary system of the United States, in preference to the solitary or separate system enforced at Pennsylvania.

The Prisons in the Colonies appear to be very defective in construction and arrangement; there being, generally, no separate day-rooms, for the proper classification of offenders; no sleeping cells, for the individual separation of prisoners at night; no hospital for the sick, or for lunatics; and (with some few exceptions) no suitable chapel for religious services. Some of the Jails have no yard, or court, and others have only one yard, in which the prisoners associate together indiscriminately; but, at several places, the inclosure of the yard is stated to be so insecure, that the prisoners are not allowed to take exercise therein.

#### AS TO THE REGULATIONS IN FORCE.

There appears to be a great want of uniformity, even in those which have been recently established, particularly in the West India Islands. For instance, at Jamaica, where there are eighteen Prisons, for nearly all of which new regulations have been framed, yet not more than two or three of these codes are alike, on account of the Jails being under different local authorities: and this Island contains some of the most important Prisons, the Jail at Clarendon having had not less than 10,966 persons committed to it during the year 1835.

With the exception of the Tread-mill, which has been introduced as a means of compulsory labour, there appears to be scarcely any regular employment in the prisons.—At several places, the convicted are employed out of the prison, on public works—repairing the roads, cleaning the streets, &c. in gangs, and wearing shackles: negroes, under sentence, are also let out for hire, to dig cane-holes, &c., all which practices must be considered as highly objectionable.

The allowance of food differs materially: at some Jails each prisoner has only one pound of bread daily but, at others, a pound and a half of bread, or biscuit, together with two pounds of potatoes:—the cost of maintenance also varying from four-pence to one shilling and eleven-pence (at St. Vincent's.) Debtors have no allowance at several prisons; at others they receive more than criminals.—Clothing and bedding are not always allowed; and, when so, only to the convicted.

In consequence of Chaplains not being generally appointed, some prisons are without any religious service; but, in many cases, it is performed gratuitously by the parochial clergyman. Dissenting ministers are also allowed free access to the prisoners. No provision is made for the instruction of the ignorant.

There appears to be a neglect of frequent periodical visitation, by the magistrates, or other authorities. In only one instance, (at Honduras,) it is stated, that a local inspector has been appointed.

The Regulations most recently framed, and which appear highly deserving of imitation by other Colonies, are those for the Bahamas, established in September last, by direction of Lieutenant Colonel Colebrooke.

AS TO THE RETURNS.

The printed Tabular Form of Annual Returns is considered to be incomplete in some important particulars. It does not state the number and description of persons in confinement at any one time, but only the whole number during the year. It also appears desirable to have a return made of the greatest number in prison at one time; and to distinguish whites from blacks and coloured persons; also, that males and females should be separated, (agreeably to the Form No. 1 and 2, which is now submitted.) The printed Forms of Annual Returns, recently framed by the Inspectors of Prisons in England, may also furnish some further suggestions on this subject.

QUEEN'S COUNTY—HILARY TERM.

The Grand Jury deem it their duty to call the attention of the Court to the state of the Charlottetown Jail, with a view to effect a classification of the prisoners, so as to separate the old from the young, and the untried from those who have been tried and convicted. The Grand Jury learn, with regret, that although male and female prisoners are locked up separately during the night, they are allowed to associate during the day, without any further restraint than the personal inspection of the Jailer. They would, therefore, suggest the expediency of such an alteration in the internal arrangements of the Prison, as would put an end to a practice so inconsistent with good order and morality.

The Grand Jury have ascertained, from personal inspection, that for a small outlay one of the large rooms on the ground floor could be converted into small apartments or cells, which would enable the Jailer to lock up the prisoners in separate cells, when deemed expedient—an alteration they would consider highly desirable; and trust the Government will cause the same to be carried into effect.

The Grand Jury deem it due to the Jailer to state, that they found the management of the Jail in other respects highly creditable, and that the utmost cleanliness was observable, both in the Prison yard and throughout the whole building.

(Signed)

GEORGE DALRYMPLE,

Foreman,

Grand Jury Room, 5th January, 1838.

*Ordered*, That the foregoing Messages, with the Documents accompanying the same, do lie on the Table.

*Resolved*, That the Clerk be directed to make arrangements for interchanging the Laws of this Island, and the Journals of this House, with the Legislative Councils and Assemblies of Lower Canada, Upper Canada, Nova Scotia and Newfoundland, for the Laws and Journals of those Provinces respectively, for the use of this House.—Such arrangement to extend to the existing Laws and Journals of the several Provinces, as well as to any future Laws to be passed in like manner as a similar interchange was directed in regard to New Brunswick, by a former order of this House.

Adjourned until One o'clock to-morrow.

**TUESDAY, February 6th, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Palmer, with a Bill intituled 'An Act to continue an Act passed in the Seventh year of His late Majesty's Reign, empowering the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Buildings thereon—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o'clock to-morrow.

**WEDNESDAY, February 7th, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Ordered, That *Mr. Wright* have leave to absent himself for three days.

Adjourned until One o'clock to-morrow.

**THURSDAY, February 8th, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time, the Bill, intituled "An Act to continue an Act passed in the Seventh Year of His late Majesty's Reign, empowering the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Buildings thereon."

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly

Read a third time, and passed, the Bill, intituled "An Act to provide Salaries for Sub-Collectors of Customs, at the several Out-Ports therein mentioned."

*Ordered*, That the said Bill be sent down to the House of Assembly.

Adjourned until One o'clock to-morrow.

**FRIDAY, February 9th, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Douse, with the Bill intituled "An Act to continue an Act passed in the Fourth year of His late Majesty's Reign, for the better preventing Accidents by Fire within the Town of Charlottetown"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the said Bill was read a second time.

A Message from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, inclosing two Orders of Her Majesty in Council, dated the 18th November last, allowing various Acts passed by the Legislature of this Island in the months of April, 1836, and March and April, 1837.

Government House, February 9th, 1838.

[COPY.]

DOWNING STREET, 7th December, 1837.

SIR,

Various Acts, passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, in the months of April, 1836, and March and April, 1837, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion, that the said Acts should be left to their operation, No. 449 being specially confirmed.

I have the honor to transmit to you herewith, two Orders of Her Majesty in Council, dated the 18th ult. approving that report.

I have, &c.

(Signed)

GLENELG.

Lieut. Governor Sir C. A. Fitz Roy, K. H.

&c. &c. &c.

AT THE COURT AT BUCKINGHAM PALACE, 18th NOVEMBER, 1837.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Lord Stewart,  
Lord Chamberlain,  
Earl of Albemarle,  
Earl Spencer,  
Earl of Minto,  
Lord John Russell,

Viscount Melbourne,  
Viscount Howick,  
Lord Holland,  
Lord Glenelg,  
Sir Charles Vaughan,  
Mr. Powlett Thomson,  
Sir John Hobhouse, Bart.  
Mr. Chancellor of the Exchequer.

**WHEREAS** the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did in the month of April, 1836, pass an Act which has been transmitted, intituled as follows, viz:—

No. 449—"An Act to consolidate and amend the Election Laws:"

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Act should receive Her Majesty's special confirmation—Her Majesty was thereupon this day pleased by and with the advice of Her Privy

Council, to declare Her special confirmation of the said Act, and the same is hereby specially confirmed, ratified, and finally enacted accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

AT THE COURT AT BUCKINGHAM PALACE, 18th NOVEMBER, 1837.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Lord Steward,  
Lord Chamberlain,  
Earl of Albemarle,  
Earl Spencer,  
Earl of Minto,  
Lord John Russell.

Viscount Melbourne,  
Viscount Howick,  
Lord Holland,  
Lord Glenelg,  
Sir Charles Vaughan,  
Mr. Powlett Thomson,  
Sir John Hobhouse, Bart.  
Mr. Chancellor of the Exchequer.

**WHEREAS** the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did in the month of April, 1836, and March and April, 1837, pass forty-eight Acts, which have been transmitted, intituled as follows, viz:—

No. 426—"An Act to continue for one year, and to amend an Act of the Fifth Year of His present Majesty, for the increase of the Revenue in this Island."

No. 427—"An Act to provide against accidents by Fire, and for the improvement of Property at Georgetown."

No. 428—"An Act to restrain the issue of certain Promissory Notes."

No. 429—"An Act in further amendment of an Act of the Second Year of His present Majesty, for consolidating and amending the Acts relating to Small Debts."

No. 430—"An Act to amend the Act for the summary trial of Common Assaults and Batteries."

No. 431—"An Act intituled an Act to authorise the closing of a certain Road within the Royalty of Princetown."

No. 432—"An Act to prevent Persons indecently bathing in the Waters contiguous to Charlottetown."

No. 433—"An Act to prevent the running at large of Sheep in the Town of Charlottetown."

No. 434—"An Act to suspend an Act made and passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Third, intituled an Act for the relief of Insolvent Debtors, and to make other provisions in lieu thereof."

No. 435—"An Act to impose a Tax on Dogs with certain exceptions, and relating to other matters connected with them."

No. 436—"An Act to provide for the conveyance of Mails by means of Steam Navigation, and to repeal the Acts heretofore passed for that purpose."

No. 437—"An Act for the appointment of a Commissioner to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Light Houses."

No. 438—"An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island."

No. 439—"An Act to authorise the Sale of a Building heretofore used as an Episcopal Church in Charlottetown."

No. 440—"An Act relating to the abolition of Oaths in the United Kingdom of Great Britain and Ireland, and other places out of this Island."

No. 441—"An Act concerning the Registration of certain Original Grants or Patents of Lots or Townships of Land in this Island."

- No. 442—"An Act relating to the office of Administrator of the Government for the time being."
- No. 443—"An Act to continue for a limited period, an Act passed in the First Year of the Reign of His present Majesty, intituled an Act to establish a Reward for the destruction of Bears and Loupcerviers."
- No. 444—"An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors."
- No. 445—"An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly."
- No. 446—"An Act to improve the Administration of Justice in Criminal Cases."
- No. 447—"An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies."
- No. 450—"An Act for appropriating certain Monies therein mentioned, for the service of the year One thousand eight hundred and thirty-six."
- No. 454—"An Act for the encouragement and support of District and other Schools, and to repeal the Act formerly passed, for that purpose."
- No. 455—"An Act to provide Seed Grain and Potatoes for certain Settlers, and to regulate the distribution thereof, and mode of repayment."
- No. 456—"An Act to authorise the appointment of a Sheriff for each of the Counties in this Island."
- No. 458—"An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County."
- No. 459—"An Act to continue and amend the Act for more effectually preventing the spreading of infectious Distempers within this Island."
- No. 460—"An Act to empower the Inhabitants of Charlottetown to assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Buildings thereon."
- No. 463—"An Act for consolidating and amending the Act for the appointment of Limits and Rules for the Jail in Charlottetown, and the Act for regulating the Jail of King's and Prince Counties."
- No. 464—"An Act to explain and amend an Act passed in the Fourth Year of His present Majesty's Reign, intituled an Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned."
- No. 465—"An Act to amend the several Acts of this Island relating to Small Debts."
- No. 466—"An Act for the appointment of Harbour and Ballast Masters, and for the more effectually preventing the throwing of Ballast into Harbours and navigable Rivers."
- No. 467—"An Act for vacating the seats of Members of the Assembly in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose."
- No. 468—"An Act relating to the Titles of Lands acquired under Deed from Sheriffs or Coroners."
- No. 469—"An Act to explain and amend two several Acts of the General Assembly therein mentioned, for raising a Fund by an Assessment on Land."
- No. 470—"An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown, in the Winter season."
- No. 471—"An Act to continue for One Year an Act passed in the Fifth Year of His present Majesty's Reign, providing for the payment of Interest on Warrants."
- No. 472—"An Act relating to a certain Road in the Royalty of Charlottetown."
- No. 474—"An Act for granting Patents for useful Inventions."
- No. 475—"An Act for establishing the Standard Weight of Grain and Pulse, and for the appointment of Officers for measuring and weighing the same."
- No. 476—"An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision in lieu thereof."
- No. 477—"An Act to confirm certain Sales of Lands and Tenements made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the effects of their absent or absconding Debtors."
- No. 478—"An Act to authorise the appointment of a Coal Meter for Charlottetown."
- No. 479—"An Act to continue an Act for regulating the weight and quality of Bread, within the Town and Royalty of Charlottetown."

No. 480—"An Act to prohibit the exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned."

No. 481—"An Act to repeal certain parts of an Act, intituled an Act for the Limitation of Actions, and for avoiding Law suits, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof."

No. 483—"An Act for appropriating certain Monies therein mentioned, for the service of the year One thousand eight hundred and thirty-seven."

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation—Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said report: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty's Island of Prince Edward, and all other persons whom it may concern are to take notice and govern themselves accordingly."

W. L. BATHURST.

*Ordered*, That the foregoing documents do lie on the Table.

The President, pursuant to notice, moved for leave to bring in a Bill for regulating the several Gaols within this Island, and establishing Prison Discipline therein.—Leave being granted, the said Bill was brought in, and read a first time.

*Ordered*, That the said Bill do stand for a second reading on Monday next.

Adjourned until One o'clock to-morrow.

## SATURDAY, February 10th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock on Monday next.



## MONDAY, February 12th, 1838.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;  
 The Hon. *Colonel Lane*,                      The Hon. *Mr. Brecken*,  
                  *Mr. Haviland*,                                              *Mr. Smith*.  
                  *Mr. Attorney General*,

### PRAYERS.

**A** MESSAGE from the House of Assembly, by Mr. Pope,  
 Mr. President,

The House of Assembly desire a Conference with the Legislative Council, to consider the expediency of preparing a Joint Report on the subject matter of certain documents transmitted to His Excellency the Lieutenant Governor, in a Despatch from the Right Honorable Lord Glenelg, relative to the Land Assessment Act of last Session, and have appointed Mr. Pope, Mr. Green, Mr. Thornton, Mr. Macdonald, Mr. Palmer and Mr. M'Callum a Committee to manage the said Conference.

*Ordered*, That a Conference be agreed to, as is desired by the House of Assembly, to consider the expediency of preparing a Joint Report, on the subject matter of certain documents transmitted to His Excellency the Lieutenant Governor in a Despatch from the Right Honorable Lord Glenelg, relative to the Land Assessment Act of last Session.

*Ordered*, That Mr. *Haviland*, Mr. *Attorney General* and Mr. *Brecken* be a Committee to manage the said Conference, to meet in the Committee Room instant.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported that they had met the Committee of the House of Assembly, who had suggested the propriety of preparing a Joint Report on the subject matter of certain Documents transmitted to His Excellency the Lieutenant Governor, relative to the Land Assessment Act of last Session.

*Resolved*, That a Committee be appointed to join a Committee of the House of Assembly, for the purpose of preparing the said Report, with power to send for persons, papers and records, and to meet and adjourn as they please.

*Ordered*, That Mr. *Haviland*, Mr. *Attorney General* and Mr. *Brecken* do compose the said Committee.

*Ordered*, That a copy of the foregoing Resolution be communicated by Message to the House of Assembly.

*Resolved*, That an humble Address of Condolence be presented to Her Majesty, upon the lamented death of our late Most Gracious Sovereign; and congratulating Her Majesty upon her accession to the Throne of her ancestors—and that the House of Assembly be requested, by Message, to join in the said Address.

*Ordered*, That *Mr. Brecken*, *Mr. Smith* and *Mr. Goodman* be a Committee on the part of this House to prepare the said Address.

*Ordered*, That a copy of the foregoing Resolution be communicated to the House of Assembly.

Pursuant to Order, the Bill for regulating the several Gaols within this Island, and establishing Prison discipline therein, was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House on Thursday next.

Adjourned until One o'clock to-morrow.

## TUESDAY, February 13th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill, intituled "An Act to continue an Act passed in the Fourth year of His late Majesty's Reign, for the better preventing Accidents by Fire within the Town of Charlottetown.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

A Message from the House of Assembly, by *Mr. Thornton*.

*Mr. President*,

The House of Assembly desire a Conference with the Legislative Council on the Public Accounts, and have appointed *Mr. Thornton*, *Mr. M'Callum*, *Mr. Pope*, *Mr. Green*, *Mr. Macdonald* and *Mr. Ramsay*, a Committee to manage the said Conference.

*Ordered*, That a Conference be agreed to, as is desired by the House of Assembly, on the Public Accounts.

*Ordered*, That *Colonel Lane*, *Mr. Brecken* and *Mr. Goodman* be a Committee to manage the same, to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

Adjourned until Eleven o'clock to-morrow.

## WEDNESDAY, February 14th, 1838.

**T**HE President attending, and there not being a Quorum—

Adjourned until One o'clock to-morrow.

## THURSDAY, February 15th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Tuesday.

A Message from the House of Assembly, by Mr. Thornton.

In the House of Assembly,

Monday, 12th February, 1838.

Resolved, That a Committee be appointed to join the Committee of the Legislative Council, to prepare a Joint Report on the subject matter of certain Documents transmitted to His Excellency the Lieutenant Governor in a Despatch from the Right Honorable Lord Glenelg, relative to the Land Assessment Act of last Session, with power to send for persons, papers and records.

Ordered, That Mr. Pope, Mr. Green, Mr. Thornton, Mr. Macdonald, Mr. Palmer and Mr. M'Callum do compose the said Committee.

Resolved, That the foregoing Resolution be communicated by Message to the Legislative Council.

In the House of Assembly,

Monday, 12th February, 1838.

Resolved, That this House doth concur with the Legislative Council, on the propriety of presenting a Joint Address to Her Majesty, upon the lamented death of our late Most Gracious Sovereign, and congratulating Her Majesty upon her accession to the Throne of her ancestors.

Resolved, That Mr. Pope, Mr. Palmer, Mr. M'Callum, Mr. Ramsay, Mr. Clark and Mr. James be a Committee on the part of this House, to prepare the said Address.

*Ordered*, That a copy of the foregoing Resolution be communicated by Message to the Legislative Council.

Also, with the following Bills, to which they desire the concurrence of the Legislative Council:

A Bill intituled 'An Act for the Regulation of the Public Wharf of Georgetown.'

A Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and public Roads.'

Also, with the Bill intituled 'An Act to amend the Act for recovering Debts from absent or absconding Debtors,' passed, with an amendment, to which they desire the concurrence of the Legislative Council.

Read a first time, the Bill intituled 'An Act for the regulation of the Public Wharf of Georgetown.'

Read a first time, the Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and public Roads.'

On motion, the amendment made by the House of Assembly, to the Bill intituled 'An Act to amend the Act for recovering Debts from absent or absconding Debtors,' was read a first time, and is as follows:

Section 4, last line—After the word 'Jury,' insert the following Clauses, marked (A.) (B.)

CLAUSE (A.)

And whereas it is necessary to give to the Commissioners for the recovery of Small Debts the power of adjudicating where the Debtor has absconded—Be it enacted, That it shall and may be lawful for any Commissioner or Commissioners for the recovery of Small Debts, upon application made to him or them, in all cases where the Debt shall not exceed the sum of Five Pounds, to summon the Wife, Agent, or other person or persons having the custody of the absconding Debtors's goods and chattels, to appear before him or them, to answer the Plaintiff; and the Commissioner or Commissioners shall proceed to try the cause, give judgment, and issue execution, in the mode pointed out in and by the Acts now in force for the recovery of Debts not exceeding Five Pounds.

CLAUSE (B.)

Provided always, and be it further enacted, That any absconding person, against whom judgment shall or may be awarded as aforesaid, shall be entitled to a rehearing of such cause at any time within Twelve Months next after such judgment; and the Plaintiff in such action shall give sufficient security, to the satisfaction of the Commissioner or Commissioners, for repayment of all such moneys as may be levied by the said Execution, in case the said judgment be reversed on such rehearing as aforesaid—any thing in this, or any other Act, to the contrary, notwithstanding.

Pursuant to order, the House resolved itself into a Committee of the whole, on the Bill for regulating the several Gaols within this Island, and for establishing Prison discipline therein.

Mr. Brecken took the Chair of the Committee.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, had made some progress therein, and that he was directed by the Committee to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, February 16th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time, the Bill intituled 'An Act for the Regulation of the Public Wharf of Georgetown.'

Read a second time, the Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and Public Roads.'

*Ordered*, That the last mentioned Bill be committed to a Committee of the whole House on Monday next.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill for regulating the several Gaols within this Island, and for establishing Prison Discipline therein.

*Mr. Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, February 17th, 1838.

The following Members of Council met, viz:

The Hon. *Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*.

**T**HE President being unable to attend, owing to the state of the roads, the Council could not proceed to business.

Adjourned until Twelve o'clock on Monday next.

**MONDAY, February 19th, 1838.**

The following Members of Council met, pursuant to adjournment, viz:

The HON. *Colonel Lane,*

The HON. *Mr. Smith.*

*Mr. Haviland,*

*Mr. Attorney General,*

**T**HE President being unable to attend, owing to the state of the roads, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, February 20th, 1838.**

The following Members of Council met, viz:

The HON. *Mr. Haviland,*

The HON. *Mr. Smith.*

*Mr. Attorney General,*

*Mr. Goodman.*

**T**HE President being unable to attend, owing to the state of the roads, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, February 21st, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis,* President;

The HON. *Mr. Wright,*

The HON. *Mr. Smith,*

*Mr. Attorney General,*

PRAYERS.

**T**HERE not being a Quorum—

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, February 22d, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Mr. Attorney General*,

The Hon. *Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Friday last.

*Mr. Attorney General* informed the House that indisposition prevents *Mr. Brecken* from attending in his place.

*Ordered*, That *Mr. Brecken's* excuse be received.

A Message from His Excellency the Lieutenant Governor, by *Mr. Secretary Collins*:

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, transmitting a correspondence that has taken place between his Lordship and his Grace the Archbishop of Canterbury, on the subject of the Act for the sale of the Glebe Lands. In that correspondence is a letter from the Bishop of Nova Scotia, asserting the exclusive right of the Church of England to this property.

In bringing this correspondence under the notice of the Council, the Lieutenant Governor is desired to request that they will take the Bishop's statement and reasoning into their consideration, and furnish him, for the information of Her Majesty's Government, with their reasons for concurring in or dissenting from the Bishop's conclusions; and in the event of their disagreement, what are the grounds on which they Council controvert his views of the question.

Government House, February 16th, 1838.

No. 5.

[COPY.]

DOWNING STREET, 6th February, 1837.

SIR,

I have received *Sir John Harvey's* Despatch of the 27th April last, marked "confidential," inclosing an Address to His late Majesty, from the House of Assembly of Prince Edward Island, praying that the moneys arising from the sale of the Glebe and School Lands may be placed at the disposal of the local Legislature, to be permanently secured on the general Revenue of the Colony, and that the interest of that fund may be applied exclusively towards the support and encouragement of Elementary Schools throughout the Island. I have had the honor to lay this Address before the Queen, and, by Her Majesty's command, I transmit to you the copy of a correspondence which I have had with his Grace the Archbishop of Canterbury, on the subject of the recent Act for the sale of these Lands.

In that correspondence you will find a letter from the Bishop of Nova Scotia, asserting the exclusive right of the Church of England to this property.

It is Her Majesty's pleasure, that a copy of this correspondence be communicated to the Council and the Assembly, as comprising Her Majesty's answer to the Address. You will, of course, avail yourself of the earliest opportunity of requesting the Houses of local Legislature to take into their consideration the

Bishop's statement and reasoning, and you will signify to them Her Majesty's desire to be informed whether they concur in or dissent from the Bishop's conclusion; and in the event of their disagreement, what are the grounds on which they controvert his views of the question.

I have the honor, &c.

(Signed)

GLENELG.

Sir Charles A. Fitz Roy, K. H.

&c. &c. &c.

LAMBETH, 29th May, 1837.

My dear Lord;

I mentioned some days ago to your Lordship, that I had been requested to lay before you an application from the Society for the propagation of the Gospel in Foreign Parts, relating to Lands in Prince Edward Island, which had been set apart for sites of Churches and Glebes in that Colony, but which have lately been sold, under an Act of the Colonial Legislature, and the proceeds of the sale appropriated to other purposes. I now have the honor of inclosing a letter addressed to me by the Secretary of the Society, together with copies of two letters on the subject from the Colonial Office, and, above all, the duplicate of a letter to me from the Bishop of Nova Scotia, which will put your Lordship in full possession of the facts of the case.

I trust that some method may yet be found of providing for the Church an equivalent for the loss which it has suffered in this diminution of its means for the progressive increase of spiritual instruction in the Colony, and feel assured that your Lordship will be disposed to assist in promoting this object, so far as circumstances will admit.

I have, &c.

(Signed)

W. CANTUAR.

The Lord Glenelg, &c. &c. &c.

TRAFALGAR SQUARE, May 17th, 1837.

My Lord Archbishop;

I am directed by the Society for the propagation of the Gospel to forward to your Grace copies of letters received from the Colonial Office in March, 1835, on the subject of the Glebe and School Lands in Prince Edward Island.

It appeared from these letters that the Secretary of State had directed a Bill to be brought in for the sale of the lands in question; but had not given any instructions as to the appropriation of the proceeds. Resting satisfied with this information, the Society took no further steps in the business, until it was informed by the Bishop of Nova Scotia that an Act had passed the Colonial Legislature, not only authorizing the sale, but likewise providing for the appropriation of the proceeds of the sale of Glebe and School Lands—that the Act had been confirmed by His Majesty in Council—and that its provisions had been carried into effect.

A copy of the Bishop's Despatch, dated March 16th, 1837, has been already transmitted to your Grace, and I am now to request that you will call the attention of Lord Glenelg to the injury inflicted on the Church of England by the confiscation of lands set apart for its support in the Colony of Prince Edward Island, and will apply for such compensation as it may be in the power of His Majesty's Government to afford.

I am, &c.

(Signed)

A. M. CAMPBELL.

His Grace the Archbishop of Canterbury.

DOWNING STREET, 27th March, 1835.

Sir,

I am directed by the Earl of Aberdeen to acknowledge the receipt of your letter of the 9th inst., respecting the recent instructions for the sale of Glebe and School lands in Prince Edward Island; and also respecting certain Bills which you state to have been introduced into the Assembly of Nova Scotia, for the sale of Church Lands in that Colony.

In answer to this communication, I am desired to inform you, that the unoccupied state of the lands reserved in Prince Edward Island for the support of Ministers and Schools having been represented to obstruct



the improvement of the Colony, a sale of those lands has been authorized, but without any sanction for the diversion of the proceeds from the purposes for which the lands themselves were originally set apart. The only immediate object appears to have been to remove an obstruction to the cultivation of the Island, and upon the appropriation of the money thus realized, no decision has been pronounced. Enclosed is a copy of the instructions given by Lord Aberdeen's predecessor on the subject.

In regard to the Bills alleged to have been introduced into the Assembly, Lord Aberdeen has no further information at present than is contained in the allusion made in your letter; and it would be premature to express any opinion on measures of which the particulars are not known. Should they, however, pass into Laws, and thus come before His Majesty in Council, for confirmation, it will be in the power of the Society, or of the Bishop of Nova Scotia, to urge any objection which they may consider applicable to the Acts, as infringing upon the rights of the Church of England. This course, indeed, is open to all parties who have any rights which they deem affected by the Colonial Laws.

I have, &c.

(Signed)

R. W. HAY.

The Rev. A. M. Campbell.

DOWNING STREET, 30th October, 1834.

Sir,

I have had the honor to receive your Despatch, No. 74, of the 1st April last, accompanied by an Address, praying that the Lands reserved in Prince Edward Island for the support of Ministers of the Gospel, and of Schoolmasters, may be exclusively applied to promote the advancement of Education.

It is evident that the lands, if left in their present unoccupied state, must tend to obstruct the improvement of the Colony, and therefore, without pausing in order to decide the proper mode of appropriating them, I have to authorize you to proceed to the sale of the Reserves at the earliest possible opportunity which can be obtained. On receiving from you a report of the progress of the sales, I shall furnish you with instructions how to invest the purchase money in the public funds; and as soon as the amount shall be realized and ascertained, directions will be given respecting the mode of appropriation.

You will have the goodness to acquaint the Assembly, that their Address has been received and duly laid at the foot of the Throne, and that these are the instructions which I have received His Majesty's commands to issue on the subject.

I have, &c.

(Signed)

T. SPRING RICE.

(Colonel Sir A. W. Young.

LAMBETH, July 3d, 1837.

My Dear Lord;

Your Lordship may recollect I troubled you, some time ago, with a letter from the Bishop of Nova Scotia, representing the hardships sustained by the Church in Prince Edward Island; in respect to the sale of some Glebe and School Lands, and the appropriation of the proceeds to other than Church purposes.

I now take the liberty of laying before you an extract from a letter of the Bishop, containing further particulars connected with that proceeding, and suggesting a method by which some compensation may be made, which I hope may be found practicable.

I remain, &c.

(Signed)

W. CANTUAR.

The Lord Glenelg, &c. &c. &c.

HALIFAX, March 16, 1837.

My Lord;

I feel that some apology is necessary for the demand which this letter must make upon the patient attention of your Grace; but the importance of its object, I endeavour to persuade myself, will be received as an apology, and plead for the indulgence it requires.

By the operation of an Act passed by the Legislature of Prince Edward Island, in the Fifth year of his present Majesty, intituled *An Act to authorize the Sale of Lands in this Island, reserved as Sites for Churches*

and for *Glebe and School Lands*, these lands have passed for ever from the Church and its Ministers, for whom alone they were certainly intended. That the sites for Churches and Glebes were so designed, may be clearly shewn; and that the School Lands were intended to be connected with the Ministers of the Established Church, must in fairness be inferred.

It is, unhappily, my Lord, too plain, that the Act cannot now be interrupted. It received His Majesty's special confirmation in Council, on the 28th of April, 1836; and indeed its object has been accomplished, for the lands have been sold, and the proceeds have been appropriated.

But if it can be made to appear that a very serious injury—however unintended by His Majesty Government—has been inflicted upon the Church by the operation of that Act, it cannot be doubted that the Government will be ready and even anxious to repair that injury by any means which may be practicable and proper; and if this should be the happy result of your Grace's communication with the Government upon this important matter, your Grace may be assured that no pains will be spared in searching for such means.

In the early settlement of the Colonies, there was an earnest and prominent desire in the Government to introduce, uphold and extend the influence of the established Church, as one of the greatest benefits that could be conferred on the Colonists. The several codes of Instructions to the Governors of Provinces, under the Royal seal and signature, afford clear evidence of this fact; and subsequent Royal Instructions, and numerous directions from the Lords of Trade and Secretaries of State, to the different Governors, shew that the early desire of the Government for this good object was continually cherished.

To assist in securing it, the Government had frequent communications with the Society for the propagation of the Gospel, from the date of its incorporation in 1701, through the whole period which has since elapsed. In the year 1749, when Prince Edward Island—then called the Island of St. John—as well as New Brunswick, formed a part of the Province of Nova Scotia, the Government resolved upon sending a number of settlers to this Province. A communication was accordingly made from the Lords of Trade and Plantations to that Society on the 6th of April, 1749, stating that these settlers were to occupy six Townships, and that “a particular spot will be set apart in each of them for building a Church, and 400 acres adjoining thereto, granted in perpetuity, free from the payment of any Quit Rent, to a Minister and his successors, and in like manner to a Schoolmaster; their Lordships therefore recommend to the Society to name a Minister and Schoolmaster for each of the said Townships, hoping that they will give encouragement to them as the Society shall think proper, until the lands can be so far cultivated as to afford a sufficient support.”

A part of this correspondence has been preserved by the Society, and also in the Secretary of State's office, from whence an extract from it was officially transmitted to the Lieutenant Governor of Nova Scotia, on the 31st August, 1822.

Even if no reference were made to earlier correspondence between the Government and the Society, it would easily appear, that the contract of 1749, formed between the two, was intended to be, and in reality was, a guide for securing to the Church a property in all other settlements that should subsequently be formed. That the Society so understood the contract, after written and personal communication with the Lords of Trade, appears from the notice of these communications which may be found in the abstract of their proceedings, printed in 1749, where it is stated that the Society received this information with great pleasure, “and to help forward, as much as in them lay, the pious and laudable intentions of the Lords Commissioners for Trade and Plantations, they very cheerfully come to a resolution of providing Clergymen and Schoolmasters, to be sent to Nova Scotia as settlements should be formed and the occasions of the Colony should require.” The whole history of the Society's transactions in these Colonies affords complete evidence that they have acted upon this understanding from that early date to the present time.

Nor is it less evident, that the Government had the same understanding and intention, for these are apparent in the Instructions which were forwarded, from time to time, and were binding upon the Governors. The same encouragement offered in 1749 was continually repeated, and still forms a part of the instructions by which the Governors are bound at this day. It is reasonable to suppose, that some Instructions, referring to the contract of 1749, were forwarded at the time to the Governor of Nova Scotia; but there is great deficiency in the Records of this Province for that time, and none such can now be found; the earliest that have been preserved are those addressed to Governor Hopson, on the 7th of May, 1752. These plainly direct such provision of lands as has been named for Clergymen and Schoolmasters, without limiting it to the six Townships which were named to the Society in 1749.

I have already stated to your Grace, that all subsequent codes of Royal Instructions to the Governors direct similar provision, and for *all* Townships and Settlements that may be formed. So express were these Instructions, that when the Governor of Nova Scotia was restrained, in 1790, from issuing private grants of Land to individuals, the command to pass grants for Glebe and School Lands was still considered imperative, and the grants continued to pass until 1807, when the restriction upon ordinary grants was removed, and the only alteration of the Instructions respecting Glebe and School Lands required a larger quantity than formerly to be granted for both. In 1813, when the increased population of these Colonies, and the insufficient support for the Clergymen, induced the Society for the propagation of the Gospel to make an earnest appeal to the Government for an additional aid, the Parliamentary grant was enlarged, and the Government consented that a tenth part of all ungranted lands should be secured for the same purpose; and finally, when it was perceived, in 1826, that serious obstacles would be raised against the permanency of the Parliamentary grant, the Government spontaneously proposed, in letters from the Secretary of State to the Lieutenant Governors of Nova Scotia and New Brunswick, that *one seventh part* of all ungranted land should be set apart and secured for the use of the Church, in lieu of an annual grant of money from the British Parliament. It is therefore manifest that the Government and the Society had the same understanding of the contract of 1749, and that both have uniformly acted upon that understanding up to the year 1826.

An order of His Majesty in Council, dated August 26th, 1767, prepared for the separation of the Island of St. John (now Prince Edward Island) from the Province of Nova Scotia, and for its formation as a distinct Province. Royal Instructions were forwarded to the Governor of that Island, dated August 4th, 1769. These contain five Sections, of which I have the honor to inclose a copy; and I venture to request your Grace's particular attention to them, because I think their evidence must be deemed conclusive in the important matter on which I am now troubling your Grace.

If, my Lord, any doubt can remain, after reading these Instructions, which led to all the grants of land in Prince Edward Island—if any doubt can remain respecting the Religion, the Church and the Ministers intended by the government—if our holy religion, as named in these sections, can mean any other than the established religion of the Church of England—if it can be believed that any other than the Church of England, and any other Ministers than the ministers of that Church, were intended—if any other church could be interested in the Book of *Common Prayer*—if any other ministers could be connected with and under the jurisdiction of the Bishop of London, or could be required to form part of the several Vestries of the respective parishes—then, indeed, I will not require another moment of your Grace's valuable time to be given to the subject. But if the Church of England, and her Ministers only, were alluded to in these sections, then the sites for churches were intended for her churches only, and the Glebes were intended for her Ministers, and *none other*; nor, indeed, was a doubt of this even pretended, until within a few years, when those who have evil will towards the Church fondly hoped a favourable time had arrived for stripping her of property which had been uniformly supposed and acknowledged to belong to her.

The alienation of these lands was prayed for by the House of Assembly of Prince Edward Island, by Addresses to the Throne, in the year 1830 and 1832—but no reply was received; and a third Address was forwarded in 1834. This last Address produced an order from the Secretary of State, dated October 30th, 1834, to the Lieutenant Governor of the Island, to proceed to the sale of these lands; promising instructions for the investment of the proceeds in the Public Funds, and directions respecting the mode of appropriation.

To carry this order into effect, an Act of the Colonial Legislature was deemed necessary, and accordingly the Act I have named was passed, which not only provided for the sale of lands, as directed by the Secretary of State, but also for the *appropriation of the proceeds of the sales*, which was contrary to his directions. The only reason assigned by Mr. Spring Rice for directing the sale of lands was, 'that if left in their present unoccupied state, they must tend to obstruct the improvement of the Colony.'

It was therefore hoped that although the unoccupied state of 130 acres in each Township, composed of 20,000 acres, could have little influence in retarding the improvement of the Colony, the proceeds of the sales, when this objection was removed, would surely be applied to the original objects of the Reserves. The Act was passed with a suspending clause, because it went beyond the directions of the Secretary of State, and could not go into operation until specially confirmed by His Majesty. The friends of the church thought such confirmation would be withheld; but, to their disappointment, a Despatch from Lord Glenelg to the Acting Governor of the Island, dated April 27th, 1836, states, 'that this Act appears to have been

'passed in conformity with the wishes expressed in the Despatches of my predecessor, and that it has received His Majesty's special confirmation. The Address of the House of Assembly, in 1834, which appears to have been chiefly instrumental in procuring the consent of the Government to the alienation of these Reserves, urges as a principal reason for such alienation, that 'as no particular denomination is specified or referred to in the Grants, it is impossible to ascertain for what particular sect of Christians the aforesaid reservation was originally intended.'

The words in all the Grants are copied from the 25th Section of the Royal Instructions of 1769, as this section most probably was from the Order in Council of 1767. If these words were *alone* to be found in the Instructions, their intention could neither be mistaken nor doubted by any person who was competent to ascertain their ordinary meaning at the time they were used; but when viewed in connection with the sections which immediately precede and follow them, it seems impossible that the most uninformed person can have any doubt of their plain object and intention. No reference to these instructions, or to the Order in Council of 1767, appears to have been made; and, unhappily, to this must be attributed the passage of such an Act in the Island, and its confirmation in England. In the last Summer I visited Prince Edward Island, and took some pains to ascertain from individuals who concurred in passing the Act, both of the Council and the House of Assembly, what other grounds were alleged for the measure. I have memoranda of them all; but they are so weak, when set against the claim of the church, as supported by the Royal Instructions, that I could not be justified in occupying your Grace's time by the easy confutation of them, for they are really no more than as feathers in the scale. There is, however, one fact which deserves some notice, as indicative of the temper and feeling with which this extraordinary alienation of the property of the Church has been successfully urged.

The last and prevailing Address of the House of Assembly to the King was prompted or pressed by a Petition to the House from eight Ministers and Elders of the Presbytery of Prince Edward Island, who are dissenters from the Church of Scotland. This Petition is recorded in the Journals of the House of Assembly for 1834, which were in Downing Street, but, perhaps, overlooked when the Royal assent was given to the Act which followed the Petition.

It sets forth, 'that when the King ascended the Throne, he found the nation groaning under the intolerable burthen of the Established Church; and though he had not yet been able to free his subjects from the galling yoke—a yoke which cannot be borne much longer by freemen, &c.—That an established and endowed Church may accord with the views of ambitious Churchmen and Priest-ridden Princes, but is at variance with the Prince of Peace, whose Kingdom is not of the world, and is looked upon as a cruel imposition by all who respect the sacred rights of conscience, and who have correct ideas of Civil and Religious Liberty—that attempts have been made, and still are making, by Episcopalians, to seize upon all the Glebe Lands in the Island. The petitioners are not aware what valid reasons Episcopalians can assign for their grasping spirit—that were it but a solitary deed of plunder and rapacity now meditated by Episcopalians—a deed which would soon cease to be felt by the public—the Petitioners would not have intruded upon the attention of the House; but should they succeed in their unjust, not to say unchristian, attempt to appropriate 7,600 acres of land to themselves and their successors, the seeds of discord would be sown, which would not cease to produce an abundant harvest of pride and haughtiness on the one hand, and of hatred and envy on the other, till that Church which they are labouring to uphold by such unworthy means shall be overturned, *both root and branch*.' It must be wholly unnecessary to detain your Grace by a single observation upon the spirit and the words of such a paper. I will therefore only remark, that the Church of England is not only received in Nova Scotia and Prince Edward Island as a part of the British Constitution—so far as it is supported by Common Law—but has been formally established by special Statutes, enacted by the Legislatures of the two Colonies.

Praying that your Grace may be enabled to obtain reparation for the injury that has been inflicted (though, doubtless, most unintentionally inflicted,) by the advice which was offered to His Majesty, for the confirmation of the Act of the Legislature of Prince Edward Island, by which the Church in that Colony has been deprived of all the lands reserved for her benefit.

I have, &c.

(Signed)

JOHN NOVA SCOTIA.

His Grace the Archbishop of Canterbury.

*Extract from the Royal Instructions to the Governor of Prince Edward, dated the 4th day of August, 1769.*

"Sec. 27.—And whereas nothing can more effectually promote the peace and happiness of our subjects there, and impress upon their minds a just sense of religion and morality, than a uniform and regular observance of these rights and duties which our Holy Religion requires; you will therefore give a very particular attention to this important object—and to that end, you shall take especial care that God Almighty be devoutly and duly served throughout your government—the Book of Common Prayer, as by Law established, read each Sunday and Holyday—and the Blessed Sacrament administered according to the rites of the Church of England.

"Sec. 28.—You shall be careful that the Churches hereafter to be built within our said Island be well and orderly kept, and that beside a competent maintenance to be assigned to the Minister of each orthodox Church, a convenient House be built, at the public charge, for each Minister; and you are in an especial manner to take care that One hundred Acres of Land for the site of a Church, and as a glebe for a Minister of the Gospel, and Thirty Acres for a Schoolmaster, be duly reserved, in a proper part of every Township, conformable to the directions and conditions annexed to our Order in Council, of the 26th of August, 1767, hereinbefore referred to.

"Sec. 29.—You are not to prefer any Minister to any Ecclesiastical Benefice in that our Island, without a Certificate from the Right Rev. Father in God the Lord Bishop of London, of his being conformable to the doctrine and discipline of the Church of England, and of a good life and conversation; and if any person preferred already to a Benefice, shall appear to you to give scandal either by his doctrine or manners, you are to use the proper means for the removal of him.

"Sec. 30.—You are to give orders forthwith that every orthodox Minister within your government be one of the Vestry in his respective Parish, and that no Vestry be held without him, except in case of sickness, or that after notice of a Vestry summoned he omit to come.

"Sec. 31.—You are to inquire whether there be any Minister within your government who preaches and administers the Sacrament in any orthodox Church or Chapel without being in due Orders, and to give an account thereof to the said Lord Bishop of London."

A true copy,

(Signed)

J. P. COLLINS,  
Colonial Secretary.

*Extract from Original Grant of Township No. 43, relative to the Reserve for Glebe and School Land.*

"Also saving and reserving to His Majesty, his Heirs and Successors, One hundred Acres of the said land, for the site of a Church, and for a Minister of the Gospel, and Thirty Acres for a Schoolmaster."

A true extract,

(Signed)

J. P. COLLINS,  
Colonial Secretary.

\*\*\* All Grants to the Proprietors of Townships contain the same words.

(Signed)

J. N. S.

*Extract from a letter of the Bishop of Nova Scotia, relating to Prince Edward Island.*

"HALIFAX, May, 1837.

"Since I had the honor of writing to your Grace, on the 16th March, a few additional particulars have been made known to me, in reference to the alienated Glebes in Prince Edward Island.

"Many of these were under improving Leases, which the Clergy had been duly authorized to grant, and the sales were effected in subjection of these leases. This shows how unfounded the plea was which represented these lands as impediments to the improvement of the Island. On two of the glebes, Burial Places had long been used; and these, with their dead bodies, were sold with the rest, which aggravates the hardship of the case.

*"The Legislative Act which authorises the sale of the lands, provides that such moneys as may arise by or from such sales shall be appropriated for the purpose of promoting general Education within this Island, in such manner and under such regulations as His Majesty, his Heirs or Successors, may hereafter be pleased to prescribe or command."*

"It is, therefore, open to the Government to make some little restitution, by appropriating these moneys to Schools which may be established by the Society for the propagation of the gospel, whose Schools ever have promoted, and ever will promote, general Education among all denominations, with special regard to the poor."

DOWNING STREET, 6th July, 1837.

My dear Lord;

I have to acknowledge your Grace's Letters of the 29th May, and 3d inst., on the subject of the Act of Assembly of Prince Edward Island, for the sale of the lands set apart in that Colony, as a Glebe and School Reserve.

It is with very sincere concern that I find that your Grace and the Bishop of Nova Scotia, as well as the Society for the propagation of the Gospel, are of opinion that the interests of the Church of England have been disregarded on this occasion. The following summary of what has occurred will, I trust, contribute to remove that impression.

The House of Assembly of Prince Edward Island, on three different occasions, solicited the concurrence of the Crown in the enactment of a Law which should authorize the sale of these lands. To the two first of these Addresses no answer appears to have been given. To the third, Mr. Spring Rice, then holding the office of Secretary of State, returned an answer, dated the 30th October, 1834, in which he observed that the lands, if left in their present unoccupied state, must tend to obstruct the welfare of the Colony, and therefore, without entering into the question of the appropriation of them, Mr. Spring Rice authorized the Lieutenant Governor 'to proceed to the sale of the Reserves at the earliest possible opportunity which could be obtained.' In the same Despatch, Mr. Spring Rice observed, that 'as soon as the amount should be realized and ascertained, directions would be given respecting the mode of appropriation.' These Instructions were written, not with reference to any Act to be passed by the Legislature, but on the assumption that the proposed sales take place under the authority of the Executive Government.

A Bill was, however, brought into the House of Assembly, to enable the Government to effect these sales, and to appropriate the produce 'to the general purposes of Education within the Island.' Intelligence of the pendency of some such measure in the Colonial Legislature reached the Society for the propagation of the Gospel; and on the 9th of March, 1835, the Society brought the subject under the notice of my immediate predecessor, the Earl of Aberdeen. In the answer, dated on the 27th March, 1835, which his Lordship directed his Under Secretary to return to the Society, it was stated, that his Lordship had no further information on the subject of the pending Bills, than was contained in Mr. Campbell's letter on the 9th of March; but it was observed, that 'should such Bills pass into Laws, and thus come before His Majesty in Council, for confirmation, it would be in the power of the Society, or the Bishop of Nova Scotia, to urge any objections which they might consider applicable to the Bills, as infringing upon the rights of the Church of England.' The Bill was actually passed on the 10th of April, 1835. It was not until the 28th of April, 1836, that it received the confirmation of his late Majesty in Council. During that interval, no objection to its provisions was brought under the consideration of His Majesty's Government, either by the Bishop of Nova Scotia, or by the Society for the propagation of the Gospel. After the preceding correspondence with the Society, in March, 1835, the acquiescence of that body, and of the Bishop of the Diocese, might not unreasonably, as it should seem, have been inferred from their silence. It now indeed, appears, that his Lordship entirely disapproved of the measure, as ultimately adopted, but your Grace's letter of May last contains the first intimation of that fact which has reached the office. In his letter of the 16th March, 1837, the Bishop of Nova Scotia has fully explained the grounds of his opinion that the land reserved for Churches, as well as those set apart for Glebes and for Schools, were the exclusive property of the Church of England. On the other hand, it appears, not only from the language of the Law itself, and from the

Addresses of the House of Assembly, but from his Lordship's letter, that the opposite opinion is entertained by both Houses of the local Legislature. The Bishop, it appears, discussed the whole subject with the Members of those bodies, in the summer of 1836. He reports that their arguments against the claims of the Church of England "are really no more than as feathers in the scale."

Your Grace will, I am sure, concur with me in thinking, that it is impossible for Her Majesty's Government to adopt this conclusion until the two Houses have had an opportunity of considering the Bishop's statement; and more especially, since it proceeds on a reference to Documents, many of which are not to be found in any of the public achives in this country. The Bishop of Nova Scotia assumes that the rights of the Church of England (admitting for the sake of argument the existence of those rights to the utmost extent,) have been finally taken away by the clause of appropriation introduced into the Act. More than a month subsequently to the date of his Lordship's letter, the Lieutenant Governor of the Province transmitted to me a Despatch, dated the 27th of April, 1837, inclosing an Address, dated the 20th of this month, from the House of Assembly to His late Majesty. In this Address, the House state, that the sales of the lands which had taken place amount to about £3,600 currency, and pray that this money may be placed at the disposal of the local Legislature, on condition that the annual payment of the legal interest, thus secured, should be applied exclusively towards the support and encouragement of elementary Schools throughout the Island. The Lieutenant Governor, in his Despatch transmitting the Address, gives his opinion that the money should, as proposed, be invested on the security of the Public Revenue of Prince Edward Island, but he advises that the annual interest should be applied to the general purposes of Education (to which purposes alone it is now applicable), according to such instructions as Her Majesty shall be pleased to issue.

Your Grace will thus perceive, that although the general principle has been determined, the specific appropriation of the interest of this fund is still the subject of discussion. I propose, with your concurrence, to transmit to the Lieutenant Governor a copy of your Grace's correspondence with me on this subject, and to acquaint him that Her Majesty's Assent will not be given to any Law for the specific appropriation of the interest of this Fund, until the Council and Assembly shall have had under their consideration the statements made by the Bishop of the Diocese, ner until Her Majesty shall be apprized of the view taken by the Assembly of his Lordship's reasonings and conclusions. The property which has remained altogether unproductive for so long a course of years, has by the sale been made to yield an annual income, which, though not of very great amount, is not unimportant. Thus far the parties, whoever they may be to whom the beneficial interest belonged, have been clearly benefited. If the local Legislature shall be convinced by the Bishop's arguments that the Lands were really held in trust for the Church of England, I am persuaded that in the specific appropriation of the annual interest they will respect the rights of that Church. In the mean time, the question will remain in abeyance.

I have, &c.

(Signed)

GLENELG.

His Grace the Archbishop of Canterbury.

**Ordered**, That the foregoing Message, with the Documents accompanying the same, do lie on the table.

On motion, **Ordered**, that the Order of the Day, for the House in Committee, on the Bill intituled 'An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets and Public Roads,' be discharged, and that the same do stand the Order of the Day for to-morrow.

**Adjourned until Twelve o'clock to-morrow**

**FRIDAY, February 23d, 1838.**

The following Members of Council met, viz:

The Hon. *Mr. Wright*

The Hon. *Mr. Smith.*

*Mr. Haviland,*

*Mr. Goodman.*

*Mr. Attorney General,*

**T**HE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, February 24th, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright,*

The Hon. *Mr. Smith,*

*Mr. Haviland,*

*Mr. Goodman.*

*Mr. Attorney General,*

PRAYERS.

**R**EAD the proceedings of Thursday.

*Mr. Attorney General* informed the House that indisposition prevents *Mr. Brecken* from attending in his place.

*Ordered*, That *Mr. Brecken's* excuse be received.

A Message from the House of Assembly, by *Mr. Pope*, with a Bill intituled 'An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws'—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

*Ordered*, That the said Bill do stand for a second reading on Monday next.

Pursuant to Order, the House resolved itself into a Committee of the whole, on the Bill intituled 'An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets and public Roads.'

*Mr. Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and they recommend that a Conference be desired with the House of Assembly, on the subject matter of the said Bill.



*Ordered*, That the Report of the Committee be agreed to.

*Ordered*, That Mr. *Haviland* and Mr. *Attorney General* be a Committee to manage the said Conference, to meet in the Committee Room on Monday next, at Two o'clock.

Adjourned until Twelve o'clock on Monday next.

## MONDAY, February 26th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Colonel Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The Hon. *Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Saturday.

Pursuant to Order, the Bill intituled An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws,' was read a second time.

On motion, that the said Bill be committed to a Committee of the whole House on Wednesday next,

It was moved, as an amendment, that the said Bill be committed to a Committee of the whole House on Monday next.

The question being put on the amendment, the House divided:

CONTENTS.

*Colonel Lane*,  
*Mr. Smith*.

NON-CONTENTS.

*The Chief Justice*,  
*Mr. Wright*,  
*Mr. Haviland*,  
*Mr. Attorney General*,  
*Mr. Goodman*.

And it passed in the negative.

The question being put on the original motion, it passed in the affirmative.

A Message from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council on the Bill, intituled 'An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets and Public Roads,'—and have appointed Mr. Palmer, Mr. M'Callum, Mr. James and Mr. Pope a Committee to manage the said Conference:

Thereupon the Committee went to the Conference, and having returned, reported, that they had complied with the instructions given them by this House.

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, February 27th, 1838.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Smith*,

*Colonel Lane*,

*Mr. Goodman*.

*Mr. Haviland*,

*Mr. Attorney General*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

On motion, that *Mr. James D. Haszard*, Queen's Printer, be appointed to print the Journals of this House—

It was moved, as an amendment, in order that the business of the House may be conducted on the most economical principles, that Tenders be received for Printing the same.

The House divided on the question of amendment:

**CONTENTS.**

*The Chief Justice*,

*Mr. Wright*,

*Colonel Lane*,

*Mr. Goodman*.

**NON-CONTENTS.**

*Mr. Haviland*,

*Mr. Attorney General*,

*Mr. Smith*.

And it passed in the affirmative.

*Ordered*, That Tenders be received to-morrow, at noon, and that the Clerk do notify the different Printers thereof.

*Ordered*, That the Journals be printed daily, and Sixty copies thereof be printed.

*Ordered*, That *Mr. Wright* and *Colonel Lane* be a Committee to open and receive the Tenders, and to report thereon to the House.

Adjourned until One o'clock to-morrow.

## WEDNESDAY, February 28th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Goodman*.

*Mr. Attorney General*.

PRAYERS.

**T**HERE not being a Quorum—

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, March 1st, 1838.

The following Members of Council met, viz:

The Hon. *Mr. Haviland*,

The Hon. *Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

**T**HE President being unable to attend, owing to the state of the Roads, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, March 2d, 1838.

The following Members of Council met, viz:

The Hon. *Mr. Attorney General*,

*Mr. Smith*.

**T**HE President being unable to attend, owing to the state of the Roads, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, March 3d, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Tuesday last.

*Mr. Smith* informed the House that indisposition prevents *Colonel Lane*, from attending in his place.

*Ordered*, That *Colonel Lane's* excuse be received.

A Message from the House of Assembly, by *Mr. James*, with a Bill intituled 'An Act to make provision for the payment of a portion of the expense of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons'—to which they desire the concurrence of the Legislative Council.

Also, with the following written Message—

Mr. President, .

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

*Ordered*, That a further Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room on Monday next, at Two o'clock.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Read a first time, the Bill intituled 'An Act to make provision for the payment of a portion of the expenses of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons.'

The President laid before the House, the Report of the Visiter appointed under the Act of the Legislature, for the encouragement and support of District and other Schools. Also, a list of Licensed Teachers in the Island, the number of Scholars examined by the Visiter, with the average number attending daily at the different Schools, as furnished by the Teachers—with the Books required for each School.

*Ordered*, That the said Documents do lie on the Table.

Pursuant to Order, the House resolved itself into a Committee of the whole, on the Bill intituled 'An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws.'

*Mr. Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again on Monday next.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock on Monday next.

## MONDAY, March 5th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Saturday.

A Message from the House of Assembly, by Mr. Pope.

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, to consider the expediency of preparing a Joint Report, on the subject matter of the documents communicated to the Legislature by His Excellency the Lieutenant Governor, relative to the Act of the General Assembly of this Island, intituled 'An Act to authorize the sale of Lands in this Island, reserved as Sites for Churches, and for Glebe and School Lands'—and have appointed Mr. Pope, Mr. Thornton, Mr. M'Callum and Mr. Clark, a Committee to manage the said Conference.

On motion, *Ordered*, that this House do agree to a Conference, as is desired by the House of Assembly.

*Ordered*, That Mr. *Haviland* and Mr. *Attorney General* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at Two o'clock.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets and public Roads—having gone to the Conference, and returned, reported the substance thereof.

Pursuant to Order, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws.'

Mr. *Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, without any amendment.

*Ordered*, That the Report of the Committee be agreed to.

Adjourned until Twelve o'clock to-morrow

## TUESDAY, March 6th, 1838.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Pope, with a Bill intituled *An Act to amend an Act passed in the Third year of His late Majesty's Reign, intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned'*—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

The Committee appointed to meet the Committee of the House of Assembly, to consider the expediency of preparing a Joint Report, on the subject matter of the Documents communicated to the Legislature by His Excellency the Lieutenant Governor, relative to the Act of the General Assembly of this Island, intituled *'An Act to authorize the Sale of Lands in this Island, reserved as Sites for Churches, and for Glebe and School Lands'*—having gone to the Conference, and returned reported the substance thereof.

*Resolved*, That this House doth concur with the House of Assembly, in the expediency of preparing such Report.

*Ordered*, That *Mr. Haviland*, *Mr. Attorney General* and *Mr. Brecken* be a Committee to join a Committee of the House of Assembly, to prepare the same, with power to send for persons, papers and records.

*Ordered*, That the said Resolution be communicated by Message to the House of Assembly.

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill, intituled *'An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets and Public Roads.'*

Mr. *Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments:

*Folio 3, line 8*—After the word “shall,” insert “ride any Horse or.”

*Same folio, line 15*—After the word “hereafter,” insert the words “in meeting any other Horse, Gig, Chaise, Carriage, Waggon, Cart, Truck, Sleigh or Sled.”

*Same folio, line 16*—After the word “the,” strike out the words “centre of such Street or Road,” and insert the word “same.”

*Same folio, line 18*—After the word “side,” insert the words “in passing.”

*Folio 4, line 8*—Strike out from the word “and” to the word “Act,” inclusive.

*Ordered*, That the Report of the Committee be agreed to, and that the Amendments be engrossed.

Mr. *Smith*, by leave, presented a Petition from certain Inhabitants of this Island, praying that this House will withhold its sanction to the Bill to alter and amend the Election Laws.

Which being read—

On motion, that the said Petition be received;

It was moved, as an amendment, that the said Petition be received as the Petition of John W. Le Lacheur, John Anderson, W. Cooper, John Mackintosh, John Davis and George Coles, only, whose names are thereunto subscribed, and that the same do lie on the Table.

The Question being put on the amendment—

It passed in the affirmative.

On motion, *Ordered*, that Mr. *Smith* have leave to withdraw the said Petition.

*Ordered*, That there be a Call of the House on Friday next.

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, March 7th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. Mr. *Wright*,

The Hon. Mr. *Brecken*,

Mr. *Haviland*,

Mr. *Smith*,

Mr. *Attorney General*,

Mr. *Goodman*.

PRAYERS.

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Nelson, with a Bill, intituled 'An Act to provide for the management of the Charlottetown Ferry, by the use of a Team Boat,'—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill intituled An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws.'

Mr. *Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, without any amendment.

*Ordered*, That the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Read a second time, the Bill intituled An Act to amend an Act passed in the Third year of His late Majesty's Reign, intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.'

On motion, the House resolved itself into a Committee of the whole, to take the said Bill into consideration.

Mr. *Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same.

*Ordered*, That the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a third time, and passed, the Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and public Roads,' with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled 'An Act for regulating the several Gaols within this Island, and for establishing Prison Discipline therein.'

Mr. *Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed by the Committee to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.



Read a second time, the Bill, intituled 'An Act to make provision for the payment of a portion of the expense of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons.'

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow.

On motion, *Ordered*, that the Bill intituled 'An Act for the regulation of the Public Wharf of Georgetown,' be committed to a Committee of the whole House to-morrow.

Adjourned until One o'clock to-morrow.

## THURSDAY, March 8th, 1838.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor is desirous that the Legislative Council, at its rising on Friday next, do adjourn to Tuesday, the 20th inst.

Government House, March 8th, 1838.

Pursuant to Order, the House resolved itself into a Committee of the whole, on the Bill, intituled 'An Act to make provision for the payment of a portion of the expense of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons.'

*Mr. Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same.

*Ordered*, That the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Pursuant to Order, the House resolved itself into a Committee of the whole, on the Bill intituled 'An Act for the regulation of the Public Wharf of Georgetown.'

*Mr. Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and they recommend that a Conference be desired with the House of Assembly, on the subject matter thereof.

*Ordered*, That the Report of the Committee be agreed to.

*Ordered*, That *Mr. Brecken* and *Mr. Goodman* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at One o'clock.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, March 9th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time, the Bill, intituled 'An Act to provide for the management of the Charlottetown Ferry, by the use of a Team Boat.'

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

A Message from the House of Assembly, by *Mr. M'Callum*, with a Bill, intituled 'An Act to prevent the Streets and Squares of Charlottetown being incumbered with Nuisances'—to which they desire the concurrence of the Legislative Council.

Also, with the following written Message—

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill, intituled 'An Act for the Regulation of the Public Wharf of Georgetown,' and have appointed *Mr. Thornton*, *Mr. James*, *Mr. M'Callum* and *Mr. Macdonald* a Committee to manage the said Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

Read a first time, the Bill intituled 'An Act to prevent the Streets and Squares of Charlottetown being incumbered with Nuisances.'

**A Message from the House of Assembly, by Mr. Thornton.**

**Mr. President,**

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

*Ordered*, That this House do agree to a further Conference, as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

Read a third time, and passed, the Bill, intituled 'An Act for the Regulation of the Public Wharf of Georgetown.'

*Ordered*, That the said Bill be sent down to the House of Assembly.

His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the attendance of the House of Assembly immediately in the Council Chamber.

The House of Assembly having attended accordingly, His Excellency was pleased to give his assent to the following Bills, viz:

An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws.'

An Act to amend an Act passed in the Third year of His late Majesty's Reign, intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.'

An Act to provide for the management of the Charlottetown Ferry, by the use of a Team Boat.

An Act for further continuing an Act passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled 'An Act to provide for the payment of Interest on Warrants, which are not paid at the Treasury on demand.'

An Act to continue an Act passed in the Seventh year of His late Majesty's Reign, empowering the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Buildings thereon.

An Act to continue an Act passed in the Fourth year of His late Majesty's Reign, for the better preventing Accidents by Fire within the Town of Charlottetown.'

An Act for the regulation of the Public Wharf of Georgetown.

An Act to provide Salaries for Sub-Collectors of Customs, at the several Out-Ports therein mentioned.

An Act to make provision for the payment of a portion of the expense of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons.

The House of Assembly thereupon withdrew, and His Excellency was pleased to retire.

According to Order, the names were called over.

*Colonel Lane* absent from indisposition.

*Ordered*, That *Colonel Lane* be excused.

*Mr. Wright*, from the Committee appointed to receive and report on such Tenders as might be sent in for Printing the Journals of this House, reported as follows, viz:

That three Tenders have been sent in, one from Messrs. James B. Cooper and Co. offering to perform the work for Thirty Shillings, Currency, per sheet—the second from *Mr. John H. White*, offering to perform the work for Seven Shillings and Four-pence half-penny per page, or One Pound Nine Shillings and Six-pence for each half sheet of four pages; and the third from *Mr. James D. Haszard*, offering to perform the work for Thirty-two Shillings and Six-pence per sheet—which latter Tender *Mr. Haszard* has requested permission to amend, by reducing the price to One Pound Nine Shillings and Six-pence per sheet.

The House then went into the consideration of the several Tenders, when the following Resolution was submitted:

Whereas Tenders have been received for the Printing the Journals of this House, within the time limited by the Resolution thereof, from Messrs. Cooper and Co. at Thirty Shillings—*Mr. White*, at One Pound Nine Shillings and Sixpence—and *Mr. Haszard*, at One Pound Twelve Shillings and Six-pence per sheet—which latter Tender *Mr. Haszard*, subsequent to the time appointed for receiving the Tenders, but before the same were actually submitted to this House, offered to reduce to One Pound Nine Shillings and Six-pence: And whereas *Mr. Haszard* being Queen's Printer, and having hitherto Printed the Journals to the satisfaction of this House, and having made arrangements for continuing such Printing: Therefore Resolved, that the Tender of the said *Mr. Haszard* be accepted, at the reduced offer, so made by him.

It was moved, as an amendment, that the House do come to the following Resolution:

*Resolved*, That the Tender of *John H. White*, Printer, being the lowest Tender for Printing the Journals, received in conformity to the Resolution of this House, be accepted.

The House divided on the question of amendment:

CONTENTS.

*Mr. Attorney General*,

*Mr. Goodman*.

NON-CONTENTS.

*The Chief Justice*,

*Mr. Wright*,

*Mr. Haviland*,

*Mr. Brecken*,

*Mr. Smith*.

And it passed in the negative.

The Question being put on the original Resolution, the House divided:

CONTENTS.

*The Chief Justice*,

*Mr. Haviland*,

*Mr. Brecken*,

*Mr. Smith*.

NON-CONTENTS.

*Mr. Wright*,

*Mr. Attorney General*,

*Mr. Goodman*.

And it passed in the affirmative.

**Mr. Brecken** gives notice, that he will on Tuesday the 20th instant move, that the 13th Standing Order of this House be rescinded, and that the following Rules be added to the Standing Orders, viz:

That an Order Book be kept by the Clerk, in which Members desirous of introducing any subject to the consideration of the House, unconnected with any measure actually in progress, shall be required to enter notice thereof, specifying the day on which the same shall be brought forward, giving at least One Day's notice.—Not to extend to questions of privilege.

That any motion, with leave of this House, may be withdrawn at any time before amendment or decision.

*Ordered*, That **Mr. Wright** and **Mr. Goodman** have leave to absent themselves for Three Weeks, from Monday next.

Adjourned until Tuesday the 20th instant, at Twelve o'clock.

## TUESDAY, March 20th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*.

*Mr. Attorney General*,

PRAYERS.

**READ** the proceedings of Friday, the 9th instant.

**Mr. Brecken**, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to Her Majesty, on the lamented death of our late Most Gracious Sovereign; and congratulating Her Majesty upon her accession to the Throne of her ancestors; presented the draught of an Address, as prepared by the Joint Committee, and the same was read, and is as follows, viz:

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN;

We your Majesty's dutiful and faithful subjects, the Council and Assembly of Prince Edward Island, humbly beg leave to approach the Throne, to express to your Majesty those feelings of heartfelt sorrow with which the intelligence of the decease of our late Most Gracious and beloved Sovereign King William the Fourth, of blessed memory, filled all classes of his loving subjects in this portion of his dominions; and whilst we lament the loss which the Nation has sustained, by the death of a Monarch, whose beneficial endeavours to ameliorate the condition of his subjects will ever live in the remembrance of a grateful and loyal people, we sincerely condole with your Majesty on that dispensation of Divine Providence which has deprived your Majesty of so near and beloved a relation.

To the nation at large it must prove a source of grateful satisfaction, that its destinies are continued to be swayed by a descendant of that illustrious family under whose auspices it has reached that proud eminence which it now maintains among the nations of the world.

We humbly tender to your Majesty our sincere congratulations upon your accession to the Throne of these realms; and we trust that the cherished memory of your Royal Parent, by whose honored name this Colony has been distinguished, will not lessen that interest for its inhabitants which we are convinced your Majesty entertains for all classes of your subjects, however distant from the Parent state.

We fervently hope that your Majesty's reign may be long, prosperous and happy; and we humbly beg to assure your Majesty, that there exists no greater devotion to your Majesty's Royal Person and Government in any portion of your widely extended dominions, that is cherished by your Majesty's loyal and devoted subjects, the inhabitants of Prince Edward Island.

On motion, the said Address was agreed to, and ordered to be engrossed.

*Resolved*, That a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit the foregoing Address to Her Majesty's Ministers, for the purpose of being laid at the foot of the Throne.

*Ordered*, That Mr. *Brecken* and Mr. *Smith* do compose the said Committee.

*Ordered*, That a copy of the foregoing Resolution be communicated by Message to the House of Assembly.

*Resolved*, That a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to acquaint them, whether any reply has been received to the Joint Address of the Council and Assembly, presented to Sir John Harvey, and dated the 31st day of March, 1837, relative to the procuring, for the use of the Legislature, copies of the State Records, together with the Printed Journals of the Houses of Lords and Commons, including their Standing Orders.

*Ordered*, That Mr. *Brecken* and Mr. *Smith* be a Committee on the part of this House to prepare the said Address.

*Ordered*, That a copy of the foregoing Resolution be communicated by Message to the House of Assembly.

In pursuance of notice given, on motion of Mr. *Brecken*, Ordered, that the Thirteenth Standing Order of this House be rescinded.

On motion, Ordered, that the following Rules be added to the Standing Orders, viz:

That an Order Book be kept by the Clerk, in which Members desirous of introducing any subject to the consideration of the House, unconnected with any measure actually in progress, shall be required to enter notice thereof, specifying the day on which the same shall be brought forward, giving at least One Day's notice—not to extend to questions of privilege.

That any motion, with leave of this House, may be withdrawn at any time before amendment or decision.

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, March 21st, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*.

*Mr. Attorney General*,

PRAYERS.

**READ** the proceedings of yesterday.

Read a second time, the Bill intituled 'An Act to prevent the Streets and Squares of Charlottetown being incumbered with Nuisances.'

The President gave notice of his intention to move for leave to bring in a Bill to amend an Act intituled 'An Act to regulate and establish the times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County a Term for the trial of Issues, for a limited period.'

On motion, the House resolved itself into a Committee of the whole, on the Bill intituled 'An Act to prevent the Streets and Squares of Charlottetown being incumbered with Nuisances.'

*Mr. Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, without any amendment.

*Ordered*, That the Report of the Committee be agreed to.

Adjourned until Twelve o'clock to-morrow

**THURSDAY, March 22d, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*.

*Mr. Attorney General*,

PRAYERS.

**READ** the proceedings of yesterday.

Read a third time, and passed, the Bill, intituled 'An Act to prevent the Streets and Squares of Charlottetown being incumbered with Nuisances.'

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

The President, in pursuance of notice given, moved for leave to bring in a Bill to amend an Act, intituled 'An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County, a Term for the trial of Issues, for a limited period.'

Leave being granted, the said Bill was brought in, and read a first time.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled 'An Act for regulating the several Gaols within this Island, and for establishing Prison Discipline therein.'

Mr. Brecken took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. Palmer.

In the House of Assembly,

Thursday, 22d March, 1838.

*Resolved*, That a Committee be appointed to join the Committee of the Legislative Council, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Ministers, the Joint Address of the Council and Assembly to Her Majesty, on the lamented death of our late Most Gracious Sovereign, and congratulating Her Majesty upon her accession to the Throne, for the purpose of being laid at the foot of the Throne.

*Ordered*, That Mr. Pope, Mr. Palmer, Mr. McCallum, Mr. Ramsay, Mr. Clark and Mr. James do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the Legislative Council.

And also—

In the House of Assembly,

Thursday, 22d March, 1838.

*Resolved*, That a Committee be appointed to join the Committee of the Legislative Council, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to acquaint them whether any reply has been received to the Joint Address of the Council and Assembly, presented to His Excellency Sir John Harvey, and dated the 31st day of March last, relative to the procuring, for the use of the Legislature, copies of the State Records, and the printed Journals of the Houses of Lords and Commons.

*Ordered*, That Mr. Palmer, Mr. Green, Mr. Clark and Mr. James do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the Legislative Council.



On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill for regulating the several Gaols within this Island, and for establishing Prison Discipline therein.

Mr. *Brecken* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with several amendments.

*Ordered*, That the Report of the Committee be agreed to, and that the Bill be engrossed.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, March 23d, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken*.

*Mr. Haviland*,

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time, the Bill to amend an Act, intituled 'An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County a Term for the trial of Issues, for a limited period.'

*Ordered*, That the said Bill be engrossed.

A Message from the House of Assembly, by Mr. Macdonald, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled An Act to reduce the Penalty imposed on certain offences by an Act of the Imperial Parliament, passed in the Seventh year of the Reign of His late Majesty, intituled 'An Act for punishing Mutiny and Desertion, and for the better payment of the Army, and their Quarters.'

A Bill, intituled An Act to continue for One Year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for the increase of the Revenue of this Island.'

Also—

Mr. President,

The House of Assembly have agreed to the amendments made by the Legislative Council to the Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and Public Roads.'

Also, with the following written Message—

In the House of Assembly,

Thursday, 22d March, 1838.

*Resolved*, That a Committee be appointed to join a Committee of the Legislative Council, to prepare a joint Report on the subject matter of certain documents communicated to the Legislature by His Excellency the Lieutenant Governor, relative to the Act of the General Assembly of this Island, intituled 'An Act to authorize the Sale of Lands in this Island, reserved as Sites for Churches, and for Glebe and School Lands'—with power to send for persons, papers and records.

*Ordered*, That Mr. Pope, Mr. M'Callum, Mr. Clark, Mr. Ramsay, Mr. Palmer and Mr. Douse do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the Legislative Council.

Read a first time, the following Bills, viz:

A Bill, intituled An Act to reduce the Penalty imposed on certain offences, by an Act of the Imperial Parliament, passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.'

A Bill, intituled An Act to continue for one Year, and to amend an Act passed in the Seventh Year of His late Majesty's Reign, intituled 'An Act for the Increase of the Revenue of this Island.'

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, March 24th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill intituled 'An Act for regulating the several Gaols within this Island, and for establishing Prison Discipline therein.'

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

Read a second time, the Bill intituled An Act to continue for One Year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for the Increase of the Revenue of this Island.'

On motion, the House resolved itself into a Committee of the whole, to take the said Bill into consideration.

*Colonel Lane* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and they recommend that a Conference be desired with the House of Assembly, on the subject matter thereof.

*Ordered*, That the Report of the Committee be agreed to.

*Ordered*, That *Mr. Attorney General* and *Mr. Smith* be a Committee to manage the said Conference, to meet in the Committee Room, on Wednesday next, at Two o'clock.

Read a second time, the Bill, intituled An Act to reduce the Penalty imposed on certain offences, by an Act of the Imperial Parliament, passed in the Seventh year of the Reign of His late Majesty, intituled 'An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.'

*Mr. Brecken*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Ministers the Joint Address of the Council and Assembly to Her Majesty, upon the lamented death of our late Most Gracious Sovereign, and congratulating Her Majesty upon Her accession to the Throne of her ancestors, for the purpose of being laid at the foot of the Throne, presented to the House the draft of an Address, as prepared by the Joint Committee, and the same was read, and is as follows, viz:

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

*May it please your Excellency;*

We Her Majesty's dutiful and loyal subjects, the Council and Assembly of Prince Edward Island, having agreed to an Address of condolence to Her Majesty, on the demise of our late beloved Sovereign King William the Fourth, of blessed memory, and of congratulation on the accession of Her Most Gracious Majesty to the Throne of these Realms, humbly request that your Excellency will be pleased to transmit the same, for the purpose of being laid at the foot of the Throne.

On motion, the said Address was agreed to, and ordered to be engrossed.

*Mr. Brecken*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to acquaint them whether any reply has been received to the Joint Address of the Council and Assembly, presented to His Excellency Sir John Harvey, and dated the 31st of March last, relative to the procuring for the use of the Legislature, copies of the State Records, and printed Journals of the Houses of Lords and Commons, reported the draft of an Address, as prepared by the Joint Committee, and the same was read, and is as follows, viz:

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

*May it please your Excellency;*

The Council and Assembly having, at their last Session, presented an Address to His Excellency Sir John Harvey, praying that he would be pleased to use his influence to obtain, for the use of the Legislature of this

Island, copies of the State Records of the Imperial Government, together with copies of the Journals of the Imperial Parliament, including their Standing Orders, respectfully request that your Excellency will be pleased to acquaint them whether any reply has been received to their Address.

On motion, the said Address was agreed to, and ordered to be engrossed.

Adjourned until Twelve o'clock on Monday next.

## MONDAY, March 26th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*.

*Mr. Attorney General*,

PRAYERS.

**READ** the proceedings of Saturday.

A Message from the House of Assembly, by Mr. Pope.

In the House of Assembly,

Monday, 26th March, 1838.

*Resolved*, That a Committee be appointed to join a Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor, with the Joint Address, praying to be informed whether any answer has been received to the Address of the Council and Assembly of last Session, relative to procuring copies of the State Records, and the Journals of the Imperial Parliament, for the use of the Legislature of this Island.

*Ordered*, That Mr. Palmer, Mr. Green, Mr. Clark and Mr. James do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the Legislative Council.

And also—

In the House of Assembly,

Monday, 26th March, 1838.

*Resolved*, That a Committee be appointed to join a Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses, praying that he will be pleased to transmit to Her Majesty's Ministers the Address of the Council and Assembly to Her Majesty, on the demise of His late Majesty King William the Fourth, and on Her Majesty's accession to the Throne.

*Ordered*, That Mr. Pope, Mr. Palmer, Mr. McCallum, Mr. Ramsay, Mr. Clark and Mr. James do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the Legislative Council.

**Resolved**, That a Committee be appointed to join the Committee of the House of Assembly, to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses, praying that he will be pleased to transmit to Her Majesty's Ministers the Address of the Council and Assembly to Her Majesty, on the demise of His late Majesty King William the Fourth, and on Her Majesty's accession to the Throne.

**Ordered**, That Mr. *Brecken* and Mr. *Smith* do compose the said Committee.

**Ordered**, That the said Resolution be communicated by Message to the House of Assembly.

**Resolved**, That a Committee be appointed to join the Committee of the House of Assembly, to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses, praying to be informed whether any answer has been received to the Address of the Council and Assembly of last Session, relative to procuring copies of the State Records, and the Journals of the Imperial Parliament, for the use of the Legislature of this Island.

**Ordered**, That Mr. *Brecken* and Mr. *Smith* do compose the said Committee.

**Ordered**, That the said Resolution be communicated by Message to the House of Assembly.

Mr. *Brecken*, from the Joint Committee of the Council and Assembly, appointed to wait upon His Excellency the Lieutenant Governor, with the Address of both Houses to Her Majesty, on the demise of our late most gracious Sovereign, and to Her Majesty upon her accession to the Throne, reported the delivery thereof.

Mr. *Brecken*, from the Joint Committee appointed to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses, praying to be informed whether any answer has been received to the Address of the Council and Assembly of last Session, relative to procuring copies of the State Records, and the Journals of the Imperial Parliament, for the use of the Legislature, reported, that they had waited on His Excellency, who was pleased to say, that he had received a Despatch from Lord Glenelg on the subject, which he would communicate to the House.

Read a third time, and passed, the Bill intituled An Act to reduce the Penalty imposed on certain offences by an Act of the Imperial Parliament, passed in the Seventh year of the Reign of His late Majesty, intituled 'An Act for punishing Mutiny and Desertion, and for the better payment of the Army, and their Quarters.'

**Ordered**, That a Message be sent down to the House of Assembly, acquainting them therewith.

• Adjourned until Twelve o'clock to-morrow.



A Message from the House of Assembly, by Mr. Palmer, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled 'An Act to regulate the practice of the Court of Chancery, in certain cases therein mentioned.'

A Bill intituled 'An Act relating to the Office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration.'

Also, with the Bill intituled 'An Act for regulating the several Gaols within this Island, and establishing Prison Discipline therein,' passed with an amendment, to which they desire the concurrence of the Legislative Council.

Read a first time, the Bill intituled 'An Act to regulate the practice of the Court of Chancery, in certain cases therein mentioned.'

Also—

The Bill intituled 'An Act relating to the office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration.'

On motion, the amendment made by the House of Assembly to the Bill intituled 'An Act for regulating the several Gaols within this Island, and establishing Prison Discipline therein,' was read a first time, and is as followeth:

*Folio 3, line 5*—Strike out from the letter "A," to the word "Prisons," in line 7, both inclusive, and insert —"The Sheriff of any County, on the recommendation of the visiting Magistrates, shall appoint a Matron for the Jail of the said County, when and as often as such a person shall be required, whose duty it shall be, constantly to superintend the female Prisoners; and the said Sheriff and visiting Magistrates shall fix and determine the amount of Salary or allowance to be paid to such Matron."

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, March 29th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill intituled An Act to amend an Act, intituled 'An Act to regulate and establish the stated times and places for holding the Supreme Court

in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County a Term for the trial of Issues, for a limited period.'

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, March 30th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Colonel Lane*,

The Hon. *Mr. Brecken*.  
*Mr. Smith*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Thornton, with a Bill intituled 'An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose'—to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

*Ordered*, That this House do agree to a further Conference, as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room on Tuesday next, at Two o'clock.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Read a first time, the Bill intituled 'An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose.'

Read a second time, the amendments made by the House of Assembly to the Bill intituled 'An Act for regulating the several Gaols within this Island, and establishing Prison Discipline therein.'

On motion, the said amendment was read a third time, and agreed to.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to their amendment.

Adjourned until Twelve o'clock to-morrow.



## SATURDAY, March 31st, 1838.

The following Members of Council met, viz:

The HON. *Colonel Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The HON. *Mr. Brecken*,  
*Mr. Smith*.

**T**HE President being unable to attend, owing to the state of the Roads, the Council could not proceed to business.

Adjourned until Twelve o'clock on Monday next.

## MONDAY, April 2d, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The HON. *Mr. Wright*,  
*Colonel Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The HON. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Friday last.

Two Messages from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

FIRST MESSAGE.

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honorable Lord Glenelg, informing him that Her Majesty's Government have had much pleasure in directing the several Departments to transmit, for the use of the two Branches of the Legislature of this Island, Copies of the Journals of the Houses of Lords and Commons, and of the Records published by the Record Commission.

Government House, March 1838.

[COPY.]

No. 23.

DOWNING STREET, 6th January, 1838.

SIR,

With reference to the Address from the Council and Assembly of Prince Edward Island, inclosed in Sir John Harvey's Despatch of the 1st April last, No. 25, I have to inform you, that Her Majesty's Government have had much pleasure in directing the several Departments to transmit to Prince Edward Island, for the use of the two Branches of the Legislature, Copies of the Journals of the Houses of Lords and Commons, and of the Re-

cords published by the Record Commission. As, however, these Documents are of great bulk, it will not be possible to forward them to the Colony until the departure from the Port of London of some Vessel bound for Charlottetown.

I have, &c.

(Signed)

GLENELG.

Lt. Governor Sir C. A. Fitz Roy, K. H.

## SECOND MESSAGE.

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the Copy of a Despatch from the Right Honorable Lord Glenelg, inclosing an Order passed by Her Majesty in Council, on the 23d January last, leaving to their operation various Acts passed by the Legislature of this Island during their last Session.

Government House, March, 1838.

[COPY.]

No. 24.

DOWNING STREET, 6th February, 1838.

SIR,

I have the honor to transmit to you an Order passed by Her Majesty in Council on the 23d ultimo, leaving to their operation various Acts passed by the Legislature of Prince Edward Island during their last Session.

In leaving the Act, No. 482, for increasing the Island Revenue, to its operation, I think it right to observe, that by the Act of Parliament, 3d & 4th Will. 4, cap. 59, Sec. 11, it is directed, that Colonial Duties shall be deducted from those which that Act imposes, and which apply only to Foreign Goods. The Island Act contains a Clause, in which it is provided, that, in respect of the Duties it levies, this deduction shall not be made. If this provision be effectual to its purpose, I have no objection to make, because, as these duties are applicable to both British and Foreign Goods, the relations between the two will not be altered, if both are subjected to the charge. But, if it shall appear that the Act of Parliament cannot be so affected, the remedy must be applied by Parliament for this and all similar cases, to prevent the Acts of Colonial Legislatures from operating in a manner repugnant to the spirit of the British Laws.

I have, &c.

(Signed)

GLENELG.

AT THE COURT AT BUCKINGHAM PALACE, THE 23D OF JANUARY, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY,

*Lord Chancellor,*

*Lord President,*

*Lord Privy Seal,*

*Lord Steward,*

*Lord Chamberlain,*

*Earl of Albemarle,*

*Lord John Russel,*

*Viscount Palmerston,*

*Viscount Melbourne,*

*Viscount Howick,*

*Lord Holland,*

*Lord Hill,*

*Lord Glenelg,*

*Mr. Chancellor of the Exchequer.*

**WHEREAS** the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April, 1837, pass Five Acts, which have been transmitted, entitled as follows, viz:

No. 457—"An Act relating to Merchant Seamen of this Island."

No. 461—"An Act for regulating the Herring and Alewives Fisheries."

No. 462—"An Act to incorporate the Steam Mill Company of Charlottetown."

No. 473—"An Act to regulate the duties and charges of Pilots, and to repeal the Acts formerly passed for that purpose."

No. 482—"An Act for the increase of the Revenue of this Island."

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation—Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report: whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

W. L. BATHURST.

*Ordered*, That the foregoing Documents do lie on the Table.

A Message from the House of Assembly, by Mr. Pope, with a Bill intituled An Act to amend an Act, intituled 'An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michælmass Term of the said Court in Queen's County a Term for the trial of Issues, for a limited period'—agreed to, with amendments, to which they desire the concurrence of the Legislative Council.

On motion, the said amendments were read a first time, and are as follow:

*Folio 2, line 15*—Strike out the word "last," and insert the word "first."

*Folio 3, first line*—Strike out the word "September," and insert the word "October."

Adjourned until Twelve o'clock to-morrow

## TUESDAY, April 3d, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*.

*Mr. Haviland*,

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time, the amendments made by the House of Assembly, to the Bill intituled An Act to amend an Act, intituled 'An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michælmass Term of the said Court in Queen's County, a Term for the trial of Issues, for a limited period.

On motion, the said amendments were read a third time.

*Ordered*, That this House do agree to the said amendments.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to their amendments.

Read a second time, the Bill intituled 'An Act to regulate the practice of the Court of Chancery, in certain cases therein mentioned.'

On motion, the House resolved itself into a Committee of the whole on the said Bill.

Mr. *Attorney General* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and that they had come to the following Resolution, which they recommend to the adoption of the House, viz:

*Resolved*, That owing to the advanced period of the Session, it is the opinion of this Committee, that sufficient attention cannot be devoted to the consideration of the Bill intituled 'An Act to regulate the practice of the Court of Chancery, in certain cases therein mentioned,' and they therefore recommend that the further consideration of the said Bill be deferred until this day three months.

*Ordered*, That the Report of the Committee be agreed to.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled An Act to continue for One Year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for the Increase of the Revenue of this Island,' having gone to the Conference, and returned, reported the substance thereof.

Read a third time, and passed, the Bill intituled An Act to continue for One Year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for the Increase of the Revenue of this Island.'

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a second time, the amendment made by the House of Assembly, to the Bill intituled 'An Act to amend the Act for recovering Debts from absent or absconding Debtors.'

On motion, the House resolved itself into a Committee of the whole, to take the said amendments into consideration.

Mr. *Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said amendments, and that they had disagreed to the same.

*Ordered*, That the Report of the Committee be agreed to.

On motion, *Ordered*, That a Conference be desired with the House of Assembly on the subject matter of the said amendments.

*Ordered*, That Mr. *Haviland* and Mr. *Brecken* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow at Two o'clock.

A Message from the House of Assembly, by Mr. Pope, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled An Act to further amend an Act of the Tenth year of the Reign of his late Majesty King George the Fourth, intituled 'An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby, to contribute towards their formation.'

Also—

A Bill intituled 'An Act for appropriating certain monies therein mentioned, for the service of the Year of Our Lord One thousand eight hundred and thirty-eight.'

Read the said Bills a first time.

Mr. *Haviland*, from the Joint Committee of the Council and Assembly, to whom was referred His Excellency the Lieutenant Governor's Message of the 29th day of January last, communicating to both Houses, copy of a Despatch received from the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, dated 29th day of September, 1837, transmitting copy of a Memorial from the Proprietors of Land, and others interested in the prosperity of Prince Edward Island, protesting against the Royal Assent being given to the Act of the Legislature of Prince Edward Island, for levying an Assessment on all Lands in the Island, and demanding an opportunity of stating and supporting their objections to it by their Counsel, before the Judicial Committee of the Privy Council; also, copy of letter, addressed to His Lordship by Mr. Waller, Secretary to certain individuals styling themselves "The Prince Edward Island Association;" together with a letter from Mr. Henry Hill, containing a paper of observations on the Act; and His Lordship having in the said Despatch invited the Council and Assembly to furnish such statements as they may think necessary, for the assistance of the Queen in Council, in deliberating on the question, which awaits Her Majesty's decision—presented to the House a Report, as prepared by the said Joint Committee, and the same was read, and is as follows, viz:

REPORT of the Joint Committee of the Council and Assembly, upon His Excellency the Lieutenant Governor's Message of the 29th day of January, 1838.

The Joint Committee of the Legislative Council and Assembly, to whom was referred His Excellency the Lieutenant Governor's Message of the 29th day of January last, communicating to both Houses copy of a Despatch received from the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, dated 29th day of September, 1837, transmitting copy of a Memorial from the Proprietors of Land, and others interested in the prosperity of Prince Edward Island, protesting against the Royal Assent being given to the Act of the Legislature of Prince Edward Island, for levying an Assessment on all Lands in the Island, and demanding an opportunity of stating and supporting their objections to it by their Counsel, before the Judicial Committee of the Privy Council; also copy of a letter addressed to His Lordship by Mr. Waller, Secretary to certain Individuals styling themselves "The Prince Edward Island Association;" together with a letter from Mr. Henry R. Hill, containing a paper of observations on the Act; and his Lordship having in the said Despatch invited the Council and Assembly to furnish such statements as they may think necessary, for the assistance of the Queen in Council, in deliberating on the question which awaits Her Majesty's decision—

#### REPORT:

THAT whilst your Committee fully recognize the right of Individuals to oppose any measure in progress before either branch of the Colonial Legislature, wherein they may deem their personal interests affected, they feel themselves called upon to express their surprise and regret, that the *ex-parte* statements or representations of any class or description of persons should be considered of sufficient importance to stay the operation of any Law which has received the deliberate sanction of the three Branches of the Local Legislature; but more especially, in the present instance, that a self-constituted body or association, so far removed from the Colony, and so totally unacquainted with its local circumstances, as the individuals styling themselves "The Prince Edward Island Association"—a combination of persons representing but a limited portion of the Proprietors of Land in this Colony, whose policy has hitherto been to forego present advantage for the prospect of future gain, at the expense of the resident Colonists—should be allowed to have the power of suspending the operation of an Act for raising a Supply, constitutionally given and granted to the

Sovereign, for the support of the Local Government—an interference, which, if countenanced, may be attended with the most prejudicial effects, as it will be found impossible to determine where such interference is to end, the apportioning of the public burthens, in all cases, of right, belonging exclusively to the local Legislature; and your Committee contend, that the Act in question was passed in strict accordance with the principle recommended by the Right Honorable Lord Stanley, 'late Secretary of State for the Colonies, who, in his Despatch, dated the 28th May, 1834, addressed to the then Administrator of the Government of this Island, observes—' I admit the policy and the justice of making the owners of the land contribute largely to the internal expenses of the Colony; and while I concur with the reasons which led my predecessors to object to escheating for non-performance of impracticable conditions of settlement, I am decidedly of opinion, that a Tax, in the nature of a penal assessment upon non-cultivation, is, under the circumstances of Prince Edward Island, a measure at once just and politic;' and also recognized in the Right Honorable Lord Glenelg's Despatch of the 7th April, 1836, addressed to Mr. President Wright, which states, 'that it has been found by experience, that among the most serious of the evils connected with the administration of the Crown Estate in the North American Colonies, were those resulting from the acquisition of land in large masses, by individuals whose object it was, not to cultivate it, but to retain it in its wilderness state, until, by the improvement of the vicinity, it should acquire an increased value;' and again, in his Lordship's Despatch of the 10th August, 1836, addressed to His Excellency Sir John Harvey, in reply to an Address to the Throne, from the House of Assembly, praying for the establishment of a Court of Escheat, it is stated as follows: 'But although the Ministers of the Crown cannot take on themselves to sanction the proceedings which the Assembly point out, they are, nevertheless, fully alive to the serious injury which is caused to the Island by the want of a sufficient number of settlers. Gifted with a soil of unusual fertility, and possessing every advantage of climate and geographical position, the advancement of Prince Edward Island has hitherto been delayed by the inadequacy of its population. In other of the British Provinces in North America, and more especially in Upper Canada, a similar inconvenience, although not to so great a degree, was heretofore found to exist, and various measures were tried for its remedy—amongst these was the assessment of a tax on all granted lands of every description—but a difficulty having arisen in the recovery of this Assessment, an Act was passed by the Provincial Legislature in 1825 to authorize the sale, in satisfaction of the Debt to the Public, of a sufficient portion of any land on which the tax should be eight years in arrear. The measure, thus supported, has been found effectually to meet the object in view; and I cannot but believe that a system of a similar nature might be adopted with equally good effect in Prince Edward Island. I have therefore to desire, that in communicating to the Assembly His Majesty's reply to their Address of the 9th April, you will suggest to them the expediency of introducing into Prince Edward Island the policy adopted in Upper Canada. I inclose a copy of the Act passed in that Province in the year 1825, as an assistance to the deliberations of the Legislature of Prince Edward Island.'

Your Committee would here observe, that the monopoly of Land, for the purpose of benefiting at a future period, by the improvements of land in the vicinity, reprobated in the several Despatches quoted, is most extensively and prejudicially acted upon in this Island, where it can be shewn, that 320,000 acres, comprising nearly one-fourth of the area of the whole Colony, are possessed by four individuals, viz: Messrs. David Stewart, Lawrence Sullivan, John Hill, and Charles Worrell; three of whom have not hitherto encouraged the settlement of this extensive property, either by lease or sale, and the fourth, Mr. Worrell, generally limits the duration of his leases of wilderness lands to forty years, reserving a rent of almost double the amount commonly charged by the more liberal proprietors.

Your Committee would next advert to the objections urged against the Land Assessment Act in the Memorial. The Memorialists, in the first place, assert, that 'if the Act in question be permitted to go into operation, by receiving the Royal Allowance, it will repudiate the Despatch from Earl Ripon, dated 27th January, 1833, specifying the terms on which proprietors of land in the Colony can redeem the Quit Rents issuing from their lands, and the arrangements entered into under them by the said proprietors for redeeming the Quit Rents on their Lands.' The Committee are at a loss to perceive the analogy between a local assessment, and the redemption of Her Majesty's Quit Rents; the former being a tax to be expended solely in the improvement of the Colony, and the latter a release from the conditions upon which the original proprietors obtained their grants, not only as regards the Quit Rents due to Her Majesty, but also from the

terms of settlement—which terms and conditions were voluntarily assumed and taken upon themselves by the original grantees, on obtaining beneficial grants of large tracts of land from the Crown. It does not, however, appear, that any of the proprietors have yet availed themselves of the terms offered by Earl Ripon, in the Despatch alluded to, for the redemption of their Quit Rents. And lest it may be presumed that this Colony has hitherto benefited by the collection of Her Majesty's Quit Rents, your Committee would bring under the notice of your Honorable Houses the fact, that of the immense accumulation of Quit Rents which, from time to time, have become due and payable to His late Majesty and His Royal predecessors, *one shilling has never been expended in the local improvement of the Colony.*

The Land Assessment Act of the 2d Will. 4, cap. 7, referred to by Memorialists, which levied Two Shillings, Currency, upon 100 acres of land, and which will expire at the termination of the present Session, may be justly considered as a boon conferred upon the Proprietors, rather than a tax imposed on them, inasmuch as a lesser tax is substituted for a greater—the Quit Rent, from which the Proprietor is relieved during the continuance of that Act, exceeding the amount paid under the Land Assessment Act by one half, at the present rate of Exchange—Two Shillings, Sterling, the Quit Rent payable on One hundred Acres of Land, being equal to Three Shillings Currency—besides which, the Quit Rents would have been at the absolute disposal of the Crown, whilst the amount levied under the Land Assessment Act *has been expended solely in the improvement of the Island*; and thus tended most materially to advance the value of the lands of the Memorialists.

The Memorialists would also seem to attach peculiar importance to the Upper Canada Act of the 59th Geo. 3, cap. 7, by which the maximum tax upon wilderness lands in that Province is fixed at One Shilling and Eight-pence per 100 acres, and the same tax upon cultivated Lands, at Eight Shillings and Fourpence per 100 acres.

Your Committee here deem it incumbent upon them to shew the very wide distinction to be drawn between the circumstances of Upper Canada and this Island, with respect to the original disposition of the Crown Lands in the two Provinces, as well as their present relative condition, and to explain the object which induced the Colonial Legislature here to fix the higher rate of Tax upon wilderness lands. In the Province of Upper Canada, grants of land issued from the Crown in fee, to actual Settlers, with no other condition attached to them, as your Committee believe, than that of settlement. Thus encouraged, men of capital and enterprise were induced to resort there, and the present flourishing state of that Province has been the natural consequence; but, unfortunately for the prosperity of this Colony, *its whole surface was granted away in one day, in tracts of 20,000 acres each, to a limited number of influential individuals, mostly residing in the Mother Country*—the Grantees undertaking to pay a Quit Rent to the Crown, varying from Two to Six Shillings, Sterling, per 100 acres, and to settle their lands, within Ten years from the date of their respective Grants, with Protestant Settlers, in the proportion of one person to every Two hundred acres—the said Protestant Settlers to be introduced from such parts of Europe as were not within His Majesty's dominions, or to be such persons as had resided within His Majesty's dominions of America two years antecedent to the date of such grants.' Many of the Grantees, finding it difficult to comply with the terms so voluntarily entered into with the Crown, were induced to alienate their grants to land monopolists, and others, for an almost nominal consideration; and a great proportion of those persons—speculating upon the forbearance of the Government, and the increased value which would hereafter be given to their property by the improvement of the adjoining land, incidental to the natural increase of the population, and the exertions made by a few of the Grantees and others to encourage settlement—suffered immense tracts of land to continue in their wilderness state, not only using no effort themselves toward their improvement, but refusing encouragement to persons who were willing to form settlements upon them.

Aided by the influence of the few Grantees, or their immediate descendants, who retained possession of their original grants, these persons succeeded in evading the payment of very large arrears of Quit Rent, which from time to time became due to the Crown, as well as the condition of settlement, until the year 1818, when they prevailed upon the Imperial Government to remit all the arrears of Quit Rent then due—to reduce the maximum amount to be paid in future to Two Shillings, Sterling, per One hundred acres—to grant them a further indulgence of ten years for the settlement of their lands, to be computed from December, 1816, and to relieve them from the condition imposed by the several grants with reference to Foreign Protestants.

At the expiration of this period, in the year 1826, little or no progress had been made in the improvement of these lands—in illustration of which fact, your Committee need only refer to Townships Numbers 2, 4, 5, and 6, the property referred to by Mr. H. R. Hill; and, although this property embraces an area of 80,000 acres, situated in one of the most eligible parts of the Island, both for settlement and commerce, your Committee have authority for stating, that it does not contain more than one family possessing any title to the soil beyond the will of the owner; and there are several other extensive tracts in the Colony which are similarly circumstanced. These lands, in consequence of the settlement of other lands in the neighbourhood, and the large outlay of public money, from a revenue exclusively derived from the resident population, which had been expended in running and opening Roads through them, and in constructing Bridges, acquired a greatly increased value, and at no cost whatever to the Proprietors, for they still continue to evade the payment of their Quit Rents. The repeated indulgences which those Proprietors received at the hands of the Crown induced other land speculators, of similar views, to embark their capital in the purchase of large tracts of land in the Colony; and the baneful influence which such description of persons exercised upon the prosperity of the Colony, not only in retarding its settlement, but also in frustrating almost every public measure calculated to promote its advancement, became so serious an evil, that, in order to compel these monopolists to settle their lands, or to relinquish them to the Crown, the House of Assembly, in the Session of 1832, addressed the then Administrator of the Government, for the establishment of a Court of Escheat—the Colonial Legislature passing an Act, at the same time, to regulate its proceedings. Your Committee regret to state, that the just and reasonable expectations of the Colonists were defeated by the same influence which had been so prejudicially exercised on former occasions, and a refusal to establish such Court, and a disallowance of the Act in question, were the results.

The House of Assembly again petitioned the Throne in 1836, for the establishment of a Court of Escheat, which application was also refused. In communicating this refusal, the Right Honorable Lord Glenelg recommended that a penal Tax upon wilderness land should be substituted for the said Court, and transmitted the copy of an Act, passed in Upper Canada in 1825, as an assistance to the deliberations of the Colonial Legislature, *which Act in no way refers to the amount of Tax intended to be levied*, but merely carries out, in detail, the mode of enforcing payment of a tax imposed by a previous Act of the Canada Legislature. And your Committee are fully justified in believing, from the tenor of his Lordship's Despatch, that in condescending to make such communication to the Legislature of the Colony, his Lordship's only object was, to afford assistance in reference to the manner of recovering and enforcing the payment of any tax on land which might be decided on by the Legislature, it not having occurred to his Lordship that no difficulty had ever been experienced in this Colony on occasions of the like nature; and your Committee are more confirmed in this their belief and opinion, because the Act of the Upper Canada Legislature, of the 59th Geo. 3, cap. 7, referred to by the Memorialists, and which was afterwards transmitted by his Lordship, at the suggestion of the organ of the Memorialists (Mr. Waller), imposes a tax on almost all descriptions of real and personal property, comprising the principal source of the general Revenue of that Province, and which, therefore, if carried into effect in this Colony, would be literally the imposition of a tax on improvement, and *not in the nature of a penal Assessment for non-cultivation, as recommended by Lord Glenelg.*

Your Committee submit, that a tax of Four Shillings, Currency, per 100 acres, on wilderness land, is by no means "unequitable and unfair" towards the Memorialists—and so far from being an "exclusive tax," the amount of Revenue contemplated to be raised therefrom bears but a small proportion to the general Revenue of the Colony, derived from various other sources, and chargeable solely upon the people, as will appear from the following statement of the local expenditure for the last twelve years, compiled by your Committee from official documents:



Statement of Expenditure upon Roads and Bridges, Public Buildings and Wharves, and for other purposes, in support of the local Government of Prince Edward Island, from the year 1826 to the year 1837, inclusive, with a comparative analysis of the amount contributed by the resident consumers of dutiable articles, and the Proprietors of the soil, respectively.

| Year.                 | Roads & Bridges.    | Public Buildings and Wharves. | Other local purposes. | Total Expenditure.  | Amount contributed by consumers. | Amount paid by Proprietors of soil. |
|-----------------------|---------------------|-------------------------------|-----------------------|---------------------|----------------------------------|-------------------------------------|
|                       | £ s. d.             | £ s. d.                       | £ s. d.               | £ s. d.             | £ s. d.                          | £ s. d.                             |
| 1826                  | 2,125 14 1          | 299 5 5                       | 4,707 11 5½           | 8,132 10 11½        | 8,132 10 10½                     | - - -                               |
| 1827                  | 2,287 11 5          | 21 0 0                        | 3,528 17 5½           | 5,837 8 10½         | 5,837 8 10½                      | - - -                               |
| 1828                  | 1,769 8 9           | - - -                         | 2,235 4 5             | 4,004 7 5           | 3,979 6 11                       | 25 0 6                              |
| 1829                  | 1,816 13 6          | 153 9 2                       | 3,392 18 6½           | 5,363 6 2½          | 5,363 6 2½                       | - - -                               |
| 1830                  | 1,467 12 0          | 570 3 10                      | 4,295 14 2            | 6,333 10 0          | 6,333 10 0                       | - - -                               |
| 1831                  | 2,134 13 9          | 1,015 0 0                     | 4,622 14 6½           | 7,772 8 2½          | 7,772 8 3½                       | - - -                               |
| 1832                  | 2,518 19 4          | 1,056 18 3                    | 4,881 15 9½           | 8,457 13 4½         | 8,267 13 4½                      | 200 0 0                             |
| 1833                  | 3,625 10 5½         | 3,236 8 0                     | 6,897 13 0            | 13,759 6 5½         | 12,233 9 5½                      | 1,520 17 0                          |
| 1834                  | 2,244 8 10          | 4,117 6 3½                    | 5,591 16 4½           | 11,953 11 5½        | 10,548 10 8½                     | 1,405 1 2                           |
| 1835                  | 2,020 10 2          | 1,370 10 11                   | 7,485 15 11½          | 10,876 17 0½        | 9,445 14 4½                      | 1,431 2 8                           |
| 1836                  | 1,853 12 0          | 783 11 5                      | 6,090 0 7½            | 8,632 4 0½          | 7,269 17 10½                     | 1,412 6 2                           |
| 1837                  | 2,055 12 4          | 560 2 5½                      | 6,903 6 1½            | 9,424 0 11½         | 8,005 0 2½                       | 1,419 0 9                           |
| Warrants outstanding. | 586 1 0             | 418 0 0                       | 5,544 1 3½            | 6,548 2 8½          | 6,548 2 3½                       | - - -                               |
| <b>TOTAL,</b>         | <b>27,506 6 10½</b> | <b>13,556 10 9</b>            | <b>66,582 9 8½</b>    | <b>107,645 7 4½</b> | <b>100,231 19 1½</b>             | <b>7,413 8 3</b>                    |

From the foregoing statement, it will appear, that the local expenditure of the Government, for the last twelve years, has been £107,645 7s. 4½d. of which £27,506 6s. 10½d. have been expended on Roads and Bridges, to the great advantage of the property of the Memorialists; £13,556 10s. 9d. on Public Buildings and Wharves, and £66,582 9s. 8½d. for other local purposes; and of these large sums, the whole amount contributed by the Proprietors of the soil has been only £7,413 8s. 3d., leaving the balance, or £100,231 19s. 1½d. to be borne by the resident consumers of dutiable articles—and if from the sum of £7,413 8s. 3d. be deducted the proportion paid by the actual settlers, which may be estimated at £2,500, the amount paid by the large proprietors will be reduced to £4,913 8s. 3d. or less than one-twentieth part of the local expenditure of the Colony. In this calculation your Committee have omitted to take into account the Statute Labour, which is exclusively applied to the improvement of Roads and Bridges, and which, at the lowest estimate, may be valued at £1,500, annually, or £18,000 for the last twelve years. If, therefore, no other reason existed for a tax upon lands than the heavy public burthens thus shewn to be borne by the resident population, as consumers of dutiable articles, exclusively, common justice demands that the proprietors of the soil should be called upon to contribute their ratable proportion.

Your Committee have no correct means before them of ascertaining the rates at which lands, in quantities of 4000 acres and upwards, are to be obtained in the Colony, and they can therefore offer no remarks upon that point, except as far as regards the sale of Glebe and School Lands, estimated at 8,710 acres. These lands were sold at Public Auction, in the Fall of 1836, a season of unparalleled difficulty and distress, and averaged Nine Shillings and Four-pence per acre, a price very far below their value, many of them having been subsequently disposed of at considerable advances on their original cost—in some cases more than double. Your Committee, however, are willing to admit, that large tracts of wilderness lands in this Colony have been purchased at the minimum rate of Two Shillings per acres, stated by the Memorialists, and they will go farther, and assert, that most of the extensive properties which have been accumulated by their present owners have been obtained upon much lower terms, *some as low as one penny an acre!*—but they by no means acknowledge that those prices form any criterion whatever of the terms upon which lands are to be obtained in small locations for settlement, in tracts from 100 to 500 acres; and they need no other argument in support of this opinion than that of the Memorialists' own shewing, where they represent the annual rent of land to be from Sixpence to One Shilling and Sixpence, sterling, per acre. Assuming this statement to be correct, the fee simple of the land, at twenty years' purchase, is thus made to vary from Ten Shillings to Thirty Shillings, sterling, per acre—a handsome return, your Committee must observe, for an original outlay of Two Shillings—but your Committee are aware of but very few instances in which lands have been leased at the lesser rate, or Sixpence per acre, whilst numerous cases occur where the rent exceeds One Shilling and Sixpence per acre; and your Committee have yet to learn that the fee-simple of wilderness

lands, in any situation to suit settlers, is now to be purchased for Two, or less than Ten Shillings per acre. The system on which the *most liberal* Proprietors act in these particulars is, to sell the wilderness lands, to actual settlers, at prices varying from Ten to Twenty Shillings, Sterling, per acre, or to lease them, for a long term of years, at One Shilling per acre; in some few cases allowing the tenants the privilege of purchasing the fee simple at their own convenience, at twenty years' purchase, or Twenty Shillings, Sterling, per acre; and this system is found to be attended with equal advantage to the Proprietor, the Settler, and the Colony, by affording the former a handsome remuneration for his investment, the Settler a beneficial interest in his own labour, and the Colony the general benefit arising from its increased improvement. Had a similar spirit of liberality actuated the Proprietors generally, your Committee are warranted in their conviction, that little cause would have existed at the present day for adopting the course found necessary to be pursued by the Colonial Legislature, of levying a penal tax upon wilderness lands, as the only effective means now left of compelling those Proprietors who have hitherto neglected or refused to encourage the settlement of any part of their large tracts of wilderness lands to pay a proportion of the public burthens, to settle their lands, or to put it in the power of others to do so, by disposing of them.

In answer to the difficulty which is apprehended by the Memorialists in the collection of the tax, or the effect it may have of pouring into the market large portions of land for non-payment, your Committee have only to observe, that during the five years in which the present Land Assessment Act has been in operation, the sales for non-payment have not averaged more than One thousand acres annually; and the land so sold was mostly that for which no ostensible owner could be found.

The Memorialists, throughout their statement, have studiously endeavoured to make it appear, that the Act of which they complain levies a tax upon one description of property, to the *exemption of all other*, without having the candour to acknowledge, that by various Colonial Statutes, already in force, the resident Colonists are subjected to taxes upon the necessaries and comforts of life, *equal to five times the amount* which the Act in question can possibly realize, and of which the Memorialists must be fully cognizant. And your Committee would further remark, that as the Collection of Quit Rents will be suspended during the continuance of the Act, of the operation of which the Memorialists complain, the tax of Four Shillings, Currency, per 100 acres, on wilderness lands, will, at the present rate of Exchange, only exceed the amount to which these lands would otherwise be liable by about Eight-pence Sterling per 100 acres; and as the maximum tax of Four Shillings will cease upon the settlement of these lands, the minimum tax of Two Shillings Currency will operate as a bounty on improvement, which is the main object of the Act in question.

Your Committee fearlessly deny the truth of the assertion made by the Memorialists, 'that there are large tracts of land in this Island, known by the name of Black Spruce, and other Swamps, White Sands and Barrens, the greater portion of which never can be profitably cultivated.' Such tracts are neither numerous nor large; and your Committee have no hesitation in stating, as their belief, derived from actual observation, and the best information to be obtained from various works considered of authority, that there is less unproductive land in this Island than in any other of Her Majesty's Colonies in North America, in comparison to its area; and that the soil in general is much easier of culture, and will bear better crops of all kinds of grain and pulse, with less labour and at a less expense, than any given or like quantity of the 'many millions of acres of good productive land in the adjoining Colonies of Nova Scotia, Cape Breton and New Brunswick,' now vaunted of by the Memorialists, to serve their present purpose of depreciating the character of the soil of this Colony.

Your Committee would here remark, and ask, if it be true, as represented by the Memorialists, that the population of this Island is actually greater, per square mile, than that of the other British North American Colonies, what would have been the present state of this Colony had the same system been adopted in it as in these Provinces, where until within a few years past, the Crown granted the lands in small tracts, to almost every applicant, upon payment of certain trifling fees? And your Committee contend, that the Memorialists are in no wise justified in representing the present state of the population of the Colony, towards the encouragement of which they have contributed in so very small a degree, as a reason why their wilderness lands, increasing in value every year by the unaided exertions of the Colonists, should not pay so small a sum as Two Shillings, Currency, per 100 acres, beyond what cultivated land is required to bear.

Your Committee would also further remark, that the arguments used by the Memorialists, in representing that this Colony has a greater population, in proportion to its superficial extent, than the adjacent Colonies, notwithstanding the immense expenditure of money by the Imperial Government, and by a private Company in those Colonies—advantages which have never been enjoyed by this Island—tend to strengthen the opinion before expressed by your Committee, that the settlement of this Colony has been most materially retarded by the impolitic system pursued, in alienating the Crown lands to the Memorialists, or to those under whom they claim, and afford just grounds for compelling them to contribute, in a reasonable proportion, towards the wants and expenses of Her Majesty's Government, by an assessment on those lands which they have reserved for the purpose of exacting from the settler, at a future day, an increased price, when they have attained an additional value, from the cultivation of the soil in their vicinity, at the expense and labour of the industrious Colonists.

Although the Council and Assembly are by no means responsible for the assertions of insidious and evil-disposed persons, who may have promulgated opinions and statements tending to persuade the people of the Island, and persons elsewhere, that the proprietors of land have acted, and do still act, in hostility to the resident population, yet your Committee require no further evidence of the fact of the disposition of many of the Proprietors in this respect, than the circumstances of immense tracts of land being allowed to remain in their wilderness state with the avowed purpose of profiting by the cultivation of lands in their vicinity—the proprietors refusing either to sell or lease them upon such terms as would induce settlers to improve them; and the opposition which they have always given to public measures connected with the best interests of the Colony, particularly as regards its local necessities—invariably interposing between the local Legislature and the Crown, with the view of frustrating every effort of the former to equalize the public burthens, and thereby ameliorate the condition of the resident population. And although your Committee have shewn that the Proprietors have been compelled to contribute, in a small degree, to the support of the Local Government within the last twelve years, it is the only instance in which the lands have been taxed for this purpose, with the exception of the sum of £1,400, raised by a similar tax in the year 1813, for building the Court House in Charlottetown, the whole local expenditure having been borne by the resident population.

Your Committee at the same time are free to admit, that great exertions were made, and considerable sums expended, by a few of the proprietors, at the original settlement of the Colony, to bring out settlers; and in all those cases where the liberality of the proprietors enabled the settlers to improve their lands, with a prospective advantage to themselves, the lands are in a flourishing condition, and the present owners have reason to be satisfied with the result; but that 'the whole of the population, with the exception of the few Indian and Acadian population, have either been taken to the Island at the expense of the proprietors, or been induced to settle in the Colony in consequence of the encouragement and employment offered to them by the large proprietors, resident and absent,' as asserted by Memorialists, is a glaring misrepresentation of facts, for, although considerable numbers may have been settled in the Colony under such circumstances, they form but a very small proportion of the whole population—the greatest part of whom have been induced to settle in the Colony solely from the fertility of its soil and the advantages of its geographical position—want of encouragement, on the part of the proprietors, being the main and almost sole obstacle to their prosperity. Your Committee further state, that, with the exception of the Rev. J. Macdonald, and a few settlers introduced by the heirs of D. Rennie, and the late Sir Allan Johnston, no case has occurred, within the last Twenty Years, of any proprietor having brought to this Colony, at his own expense or otherwise, any number of settlers worthy of remark.

The assertion of the Memorialists, 'that the proposed scheme of taxation is a flagrant act of injustice and partiality, inasmuch as one species of property alone, and that of necessity an unproductive one, is taxed, to the exemption of all other; and that they cannot consider the measure otherwise than as an unprovoked attack upon the sacred rights of property,' your Committee feel compelled to designate a gross libel on the Legislature of this Colony, as will be evident on reference to the statement of the public expenditure for the last twelve years, given in a former part of this report; and is also an unfounded aspersion upon the Right Honorables Lord Stanley and Lord Glenelg, Her Majesty's late and present principal Secretaries of State for the Colonies, *by whom this measure was specially recommended to the local Legislature.*

Your Committee, conceiving that they have fully replied to the objections urged by the Memorialists against the principle and policy of the measure in question, would next proceed to offer a few remarks upon some of the observations made by Mr. Henry R. Hill, representing himself or his family as being interested in 80,000 acres of land in this Colony, in reference to the said measure, which are alone entitled to consideration from the circumstance of their having been so thought by the Right Honorable Secretary of State for the Colonies. And first, as relates to his observation upon the preamble of the Bill, your Committee can see nothing in the circumstances of the present proprietors of land in the Colony which should entitle them to any greater degree of indulgence than could be claimed by the original grantees; for, admitting that they paid a valuable consideration for their lands, they purchased them subject to all the conditions to which they were liable, and became equally bound to perform them; but your Committee have already stated that those very conditions enabled the existing proprietors to obtain their lands at a very low rate, and, in many cases, at an almost nominal value, as may be instanced in the case of Mr. Hill's own family, his father, Mr. John Hill, having become possessed of the property which they now claim, at an average of less than Sixpence an acre, two Townships, consisting of 40,000 acres, having been purchased by him at a price under *three farthings an acre*, as appears by the Public Records of this Colony; and many of the remaining large proprietors acquired their lands upon almost equally advantageous terms. "As to the allegation of non-settlement being totally devoid of truth," as asserted by Mr. Hill, the fact is of such public notoriety as not to require confirmation by your Committee; and the only way which your Committee can account for this bold assertion, on the part of Mr. Hill, is from his presumed ignorance of the real state of the Colony, or that, from the peculiarity of his reasoning, he would attempt to prove, that as Township A. contains double the number of settlers required by the grant, Township B. being itself unsettled, is entitled to the advantage of the overplus, upon the same principle that he argues, because the colony contains, as he assumes, a greater relative population than its less favoured sister Colonies, the Colonists have no reason to complain of non-settlement and non-cultivation, keeping entirely out of view the obligation of every grantee to settle his Township, in the proportion of one person to every 200 acres—which obligation is as distinct and separate as the grant itself. Of the merits or demerits of the local authorities, at the period when Mr. Hill denounces them in such unmeasured terms, your Committee are totally ignorant; but they cannot bring themselves to believe that any set of public men could have been so utterly bereft of all principle as to justify the severe animadversions with which Mr. Hill characterises their conduct.

Mr. Hill next adverts to the details of the Act; and first, as regards the 4th Section, he complains of the jurisdiction therein given to the Supreme Court, in awarding allowance for improvements. This power is given by the Act now in force, for levying an Assessment on Land, and has been found quite unobjectionable both in principle and practice; and your Committee are of opinion, that where experience stamps its approval of a system, it is not unwise to follow it. The same argument is also applicable to the 7th Section, which forms part of the same Act. As regards the objections to the 8th and 9th Sections of the Act, your Committee have reason to congratulate the local Legislature, in having framed this most difficult part of the Bill in so clear a manner, that the profound legal acumen of Mr. Hill has not enabled him to discover any greater apparent defects than those to which he refers, and which, in the opinion of your Committee, are of the easiest comprehension. And first, as to making a false return, the inadvertence to which Mr. Hill alludes cannot occur. If a false return be made, it must be wilfully made, as must be seen on reference to the form of the Return, for a man there represents himself either as an owner or an occupier; if the latter, to the extent of 300 acres, his land is to be deemed cultivated; if the former only, he is required to have in the proportion of five acres for every 100 acres inclosed and cultivated; *and as these are facts of which he must be fully cognizant when he makes his return*—the sole object of which is to be relieved from the higher rate of tax—if he gives a false statement, he must do it both *wilfully* and *fraudulently*, and, therefore, these words, if inserted in the Bill, would have been words of surplusage.

The principal object of the 9th Section, your Committee conceive to be, to encourage settlement, by giving to an occupier of 300 acres, or less, the advantage of cultivation; at the same time extending a similar privilege to the owner of that quantity of land, or any less quantity, not residing thereon, provided he have in the proportion of five acres to each 100 inclosed and cultivated; but if, in either case, the quantity shall exceed 300 acres, than the excess shall be deemed wilderness land, unless the same be fully cultivated

or improved. The general acceptance of the terms "inclosure" and "culture" are too well understood in the Colony to require any explanation at the hands of your Committee; and the extent of the necessary inclosure is also sufficiently defined by the Act.

The remaining objections to the detail of what Mr. Hill is pleased to designate "this clumsy attempt at Legislation," are confined to Sections 11 and 12; and as those Sections are exact transcripts of the 16th and 22d Sections of the Upper Canada Act, passed in 1825, which was laid before the House of Assembly for its guidance in framing the present Act, by direction of Her Majesty's Principal Secretary of State for the Colonies, "as having been found effectually to meet the object in view," your Committee deem this circumstance alone to be a sufficient reply to Mr. Hill's objections, without entering further into their merits.

Mr. Hill next remarks, "that £5,000 seems to be an enormous sum for a building for keeping the Public Records and other Documents, and for the sittings of the Legislature, in a Colony in which," he asserts that "£500 will build a first-rate House, and where the Records are so few, that a room of twelve feet square would more than suffice for their deposit." This gratuitous observation on the part of Mr. Hill only tends to expose his utter ignorance of the existing state of the Colony. This suggestion, that such a building had become highly necessary, first emanated from His Excellency Sir John Harvey, in his Address at the opening of the Session of the Legislature, in 1837; and at the close of the same Session, His Excellency was pleased to express his marked approbation of the provision which the Legislature had made for that object—and, however well it may suit the purpose of Mr. Hill to underrate the cost of such a building, or to fix a limit to the space necessary for the Public Records, these subjects have been too well considered by the local Legislature to give any weight whatever to his opinion.

Mr. Hill's subsequent observations are of a nature so exactly similar to those contained in the Memorial of the Prince Edward Island Association, to which your Committee have already replied, that they deem it unnecessary to offer any further remarks upon them; neither do they consider the communication of Mr. Waller to be of sufficient importance to render any observation upon it necessary.

In conclusion, the Joint Committee would urge upon the Council and Assembly the necessity of pressing to a final and speedy issue the important measure which forms the subject of this Report, as, in addition to the loss of Revenue which has already been sustained by the suspension of the Act, any further delay will be attended with the most serious prejudice to the best interests of the Colony, by depriving it of the advantage of this source of Revenue for the current year.

T. H. HAVILAND,  
R. HODGSON,  
JOHN BRECKEN,  
JOSEPH POPE,  
EDWARD PALMER,  
EDWARD THORNTON,  
SAMUEL GREEN,  
PETER M'CALLUM,  
JOHN S. MACDONALD.

Committee Room, April 2d, 1838.

**Ordered,** That the said Report be committed to a Committee of the whole House to-morrow.

**Adjourned until Twelve o'clock to-morrow.**

**WEDNESDAY, April 4th, 1838.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Pursuant to Order, the House resolved itself into a Committee of the whole, to take into consideration the Report of the Joint Committee of the Council and Assembly, to whom was referred His Excellency the Lieutenant Governor's Message, communicating the copy of a Despatch from the Right Honorable Lord Glenelg, transmitting copy of a Memorial from the Proprietors of Land, and others interested in the prosperity of Prince Edward Island, protesting against the Royal Assent being given to the Act of the last Session, for levying an Assessment on all Lands in this Island.

*Mr. Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by *Mr. Thornton*.

*Mr. Speaker*,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the amendment made to the Bill intituled 'An Act to amend the Act for recovering Debts from absent or absconding Debtors,' and have appointed *Mr. Thornton*, *Mr. Green*, *Mr. Macdonald* and *Mr. Pope*, a Committee to manage the said Conference.

Thereupon the Committee went to the Conference, and having returned, reported, that they had complied with the instructions given them by this House.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Report of the Joint Committee of the Council and Assembly.

*Mr. Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some further progress therein, and that he was directed to move that they may have leave to sit again to-morrow.

*Ordered*, That the Report of the Committee be received, and leave granted.

Read a second time, the Bill intituled "An Act for appropriating certain moneys therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-eight."

Read a second time, the Bill intituled "An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose."

On motion, the House resolved itself into a Committee of the whole on the said Bill.

Mr. *Smith* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 5, line 20*—Strike out from the word "and" to the word "pounds," in folio 6, line 15, inclusive.

*Folio 6, line 18*—After the word "weights," insert "if required, under penalty of."

*Folio 7, line 6*—Strike out from the word "and" to the word "Mill," in line 9, inclusive.

*Folio 8, line 4*—Strike out from the word "by" to the word "information," in line 5, inclusive.

Strike out the Schedule of the Act.

*Ordered*, That the Report of the Committee be agreed to, and that the Amendments be engrossed.

On motion, that the Bill intituled "An Act to amend the Act for preventing persons indecently Bathing in the Waters contiguous to Charlottetown," be read a second time.

It was moved, as an amendment, that the said Bill be read a second time this day three months.

The House divided on the question of amendment:

#### CONTENTS.

*Colonel Lane,*

*Mr. Haviland,*

*Mr. Attorney General,*

*Mr. Goodman.*

#### NON-CONTENTS.

*The Chief Justice,*

*Mr. Brecken,*

*Mr. Smith.*

And it passed in the affirmative.

Read a second time, the Bill intituled "An Act relating to the office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration."

Read a second time, the Bill intituled An Act to further amend an Act of the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.

Adjourned until Twelve o'clock to-morrow

**THURSDAY, April 5th, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Colonel Lane*,

*Mr. Haviland*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*.  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill intituled "An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-eight.

*Ordered*, That the said Bill be sent down to the House of Assembly.

On motion, that the Bill intituled "An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose," be re-committed to a Committee of the whole House—

The House divided:

CONTENTS.

*The Chief Justice*,  
*Mr. Wright*,  
*Colonel Lane*,  
*Mr. Smith*,  
*Mr. Goodman*.

NON-CONTENTS.

*Mr. Haviland*,  
*Mr. Attorney General*,  
*Mr. Brecken*.

And it passed in the affirmative.

The House accordingly resolved itself into said Committee.

*Mr. Smith* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had made some further amendments thereto, and the same were read, and are as follow:

*Folio 1, line 19*—Strike out the word "eighth" and insert the word "Sixth."

*Folio 3, last line*—After the word "transgression" insert "but no Miller shall be obliged to receive and grind any Indian Corn, Wheat, Rye, Barley, or Buck Wheat, which shall not be clean, dry and in good order."

*Ordered*, That the Report of the Committee be agreed to, and that the amendments be engrossed.



Pursuant to Order, the House resolved itself into a Committee of the whole, on the further consideration of the Report of the Joint Committee of the Council and Assembly.

*Mr. Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Report, and had agreed to the same, without any amendment.

*Ordered*, That the Report of the Committee be agreed to.

Read a third time, and passed, the Bill intituled *An Act to further amend an Act of the Tenth year of the Reign of His late Majesty King George the Fourth, intituled 'An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.'*

*Ordered*, That the said Bill be sent down to the House of Assembly.

A Message from the House of Assembly, by *Mr. Pope*,

*Mr. President*,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

And also—

In the House of Assembly,

Thursday, 5th April, 1838.

*Resolved*, That a Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor, acquainting him that the Legislative Council and this House have agreed to a Joint Report, on the subject matter of certain Documents relative to the Land Assessment Act of last Session, transmitted to His Excellency in a Despatch from the Right Honorable Lord Glenelg, and by His Excellency communicated to the Legislature on the 28th January last; and that a copy of the said Report be furnished to His Excellency, and that he be respectfully requested to transmit the same to Her Majesty's Ministers, for the assistance of the Queen in Council, in deliberating on the question, which awaits Her Majesty's decision.

*Ordered*, That the Committee who prepared the Report be a Committee for the above purpose.

*Ordered*, That the above Resolution be communicated by Message to the Legislative Council, and that they be requested to appoint a Committee to join the Committee of this House in preparing the said Address to His Excellency, to be reported as a joint Address of the Legislative Council and this House.

On motion, *Ordered*, that this House do agree to a further Conference as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room to-morrow at Twelve o'clock.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

*Resolved*, That a Committee be appointed to join the Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, acquainting him that the Legislative Council and House of Assembly have agreed to a Joint Report on the subject matter of certain Documents relative to the Land Assessment Act of last Session, transmitted to His Excellency in a Despatch from the Right Honorable Lord Glenelg, and by His Excellency communicated to the Legislature on the 29th January last; and that a copy of the said Report be furnished to His Excellency, and that he be respectfully requested to transmit the same to Her Majesty's Ministers, for the assistance of the Queen in Council, in deliberating on the question which awaits Her Majesty's decision.

*Ordered*, That the Committee who prepared the Report be a Committee for the above purpose.

*Ordered*, That the foregoing Resolution be communicated by Message to the House of Assembly.

Adjourned until Eleven o'clock to-morrow.

## FRIDAY, April 6th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

The Committee appointed to meet the Committee of the House of Assembly, on the amendment made to the Bill intituled "An Act to amend the Act for recovering Debts from absent or absconding Debtors," having gone to the Conference, and returned, reported, that they had met the Committee of the House of Assembly, who had acquainted them that they were instructed to state, that the House of Assembly adhere to their amendment.

On motion, *Ordered*, that the amendment made by the House of Assembly to the Bill intituled "An Act to amend the Act for recovering Debts from absent or absconding Debtors," be read a third time this day three months.

Read a third time, and passed, the Bill intituled "An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

Read a third time, and passed, the Bill intituled "An Act relating to the Office of Surrogate, and Judge of Probate of Wills, and for granting Letters of Administration," without any amendment.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

**Mr. Haviland**, from the Committee appointed to join a Committee of the Assembly, to prepare a Joint Report on the subject matter of a Correspondence that has taken place between the Right Honorable Lord Glenelg and his Grace the Archbishop of Canterbury, relative to the Act authorizing the sale of Glebe Lands in this Colony, in which correspondence is included a letter from the Bishop of Nova Scotia, asserting the exclusive right of the Church of England to the property, presented to the House the Joint Report of the said Committee; which Joint Report was read, and is as followeth:

The Joint Committee of the Council and Assembly to whom was referred the Message of His Excellency the Lieutenant Governor, transmitting the copy of a Despatch from the Right Honorable Lord Glenelg, with copies of a Correspondence which had taken place between His Lordship and His Grace the Archbishop of Canterbury, on the subject of the Act for the sale of the Glebe and School Lands in this Colony, in which correspondence is a Letter from the Bishop of Nova Scotia, asserting the exclusive right of the Church of England to this property; and His Excellency in his said Message having requested the two branches of the Legislature to take the Bishop's statement and reasoning into their consideration, and furnish him, for the information of Her Majesty's Government, with the reasons for concurring in or dissenting from the Bishop's conclusions,

#### REPORT,

That your Committee feel bound to express their surprise that the Lord Bishop of Nova Scotia should have deferred until this late period to call in question the justice of the measure adopted by the Legislature of this Colony for the disposal of certain lands reserved in the original Grants of the several Townships thereof for Glebes and Schools, when, from the length of time which has elapsed since the matter first came under the notice of either branch of the Legislature, until the period when the Act authorizing the sale of the Lands in question had received the Royal Assent, ample time was afforded to His Lordship, or any other party professing an interest in these Lands, to allege such objections as they might have deemed of sufficient moment to entitle them to the consideration either of the Local Legislature or of the Imperial Government.

It appears to your Committee that in the year 1830, the House of Assembly unanimously addressed His late Majesty King George the Fourth on the subject of these reserved Lands, then in a wilderness state, stating "the happy effects which would result to this Colony, were the Glebe Lands appropriated for the purpose of promoting the advancement of education:" to that Address no answer was received. In the year 1832, a new House of Assembly reiterated the application, reciting the substance of the previous Address of 1830; and in the year 1834, another Address for a similar application of these Lands was agreed to by the House of Assembly, and transmitted to His late Majesty King William the Fourth. In reply to this Address the Right Hon. T. Spring Rice, then Secretary of State for the Colonies, by despatch dated the 30th of October, 1834, to Lieut. Governor Young, directed him "to proceed to the sale of these reserves, at the earliest opportunity which could be obtained, reserving the appropriation for farther directions."

In laying a copy of this Despatch before the House of Assembly, His Excellency expressed an opinion that His Majesty could not divest himself of these reservations without the aid of an Act of the Legislature for that purpose, and therefore suggested to that body the propriety of passing an Act empowering him to proceed to the sale of the said Lands; and accordingly the Act now complained of was passed with only two dissentient voices in the House of Assembly, and in the Legislative Council with only one dissentient voice. This Act, which received the sanction of the Lieutenant Governor on the 10th of April, 1835, had a suspending clause staying its operation until His Majesty's pleasure should be known, in consequence of the proceeds to be derived from the sale of those Lands being specifically applied to the purposes of general Education, and was transmitted for that purpose shortly afterwards, and did not receive the Royal confirmation until the 28th day of April, 1836. During the period of upwards of six years which elapsed from the first discussion of this question until the Royal Assent was given to the Act, no objection was made by His Lordship or any other person against the measure, with the exception of the communication which appears to have been addressed to the

Right Honorable the Earl of Aberdeen (then Secretary of State for the Colonies) by order of the Society for the Propagation of the Gospel, on the 9th of March, 1835, which informed His Lordship that an Act authorizing the sale of the Glebe Lands had been introduced into the Assembly of this Colony; when Mr. Hay, then Under Secretary, by direction of His Lordship, in reply, stated that His Lordship had no further information than was contained in the letter so addressed to him, but that should any law of that nature "*come before His Majesty in Council for confirmation, it would be in the power of the Society, or the Bishop of Nova Scotia, to urge any objection which they might consider applicable to the Act as infringing upon the rights of the Church of England;*" and notwithstanding the Earl of Aberdeen so clearly pointed out the proper mode of proceeding to be adopted by the Society, or the Bishop of Nova Scotia, should such a Bill be passed in this Colony, yet no objection was made to the Bill in question *before the Royal Assent was given, or subsequently, until the Act was executed by a sale of the Lands under it.*

Your Committee therefore are of opinion, that if the Church of England possessed that exclusive right to these Lands contended for by the Bishop of Nova Scotia, the Act in question has legally divested that Church of such right; but your Committee are far from admitting the validity of the arguments upon which the Bishop of Nova Scotia founded this claim.

Your Committee know from historical records that this Island first came into the possession of Great Britain soon after the conquest of Louisbourg in 1745, but again reverted to France by the treaty of Aix la Chapelle, made on the 7th of October, 1748, as being a dependency of Cape Breton, and therefore *did not form part of the Province of Nova Scotia in the year 1749, as stated by the Bishop of Nova Scotia*, but remained an integral part of the French Empire until it again fell with Louisbourg into the hands of Great Britain by articles of capitulation, dated the 26th day of July, 1758, and was ceded to Great Britain for the first time by treaty with France on the 10th day of February, 1763, when it was annexed to the Province of Nova Scotia—from which facts it is evident, that any "*contract made between the Home Government and the Society for the Propagation of the Gospel in 1749*" could not even by implication be said to apply to this Island—and all the reasoning of the Bishop of Nova Scotia on this point *is founded on erroneous premises, and must fall to the ground.*

Your Committee cannot perceive the importance which the Bishop of Nova Scotia would seem to attach to the Royal Instructions. Your Committee have yet to learn that any Instructions can contravene Letters Patent under the Great Seal, in which form the several grants of Land in this Colony passed from the Crown, and therefore His Lordship's arguments founded on such a basis cannot avail him.

Your Committee would next remark, that no disposition whatever was made of any part of the Lands of this Colony by the Home Government, until the 26th of August, 1767, when by an order of His Majesty in Council its whole area was directed to be granted in Tracts or Townships of 20,000 acres each—the said order in Council reciting the following reservations and conditions, viz: "That there be a reservation in a proper part of each Township of One hundred Acres of Land for the site of a Church, and as a Glebe for a Minister of the Gospel, and Thirty Acres for a Schoolmaster." "That the grantee or grantees of each Township do settle the same within ten years from the date of the Grant, in the proportion of one person for every two hundred acres." "*That the settlers so to be introduced be Protestants from such parts of Europe as are not within His Majesty's Dominions, or such persons as have resided within His Majesty's dominions in America for two years antecedent to the date of the Grants.*" In compliance with the foregoing Order in Council, instructions were forwarded to the then Governor of Nova Scotia, to cause grants to issue under the Great Seal of that Province to the several grantees, upon their producing mandamuses for that purpose; and the greater portion of the Grants were issued accordingly in the year 1768, embracing the conditions herein-before alluded to; and therefore the assertion of the Bishop of Nova Scotia that the words in all the Grants *were copied from the 28th section of the Royal Instructions of 1769* must be incorrect, as these Instructions are dated nearly two years subsequent to the Order in Council, under which the several Grants of Lands in this Colony issued from the Crown, and one year after most of the Grants had passed; and assuming that the Royal Instructions could be considered as authority in controlling the disposition of these reserved Lands, a position which your Committee have already denied, the Royal Instructions of 1769 could have no reference whatever to Lands which had passed from the Crown before their promulgation. Your Committee are of opinion that as the settlement of the Colony with Foreign Protestants formed the principal object of the Crown in alienating these Lands, it never could have been the desire of the Imperial Government to force upon those settlers the communion of the Church of England; on the contrary, it must be presumed that in encouraging the settlement by Foreign Protestants, it was the intention of the British Government to allow to the Spiritual Pastors of those people the benefit of the Glebes reserved for Ministers of the Gospel, unless the term "*Minister of the Gospel*" could be considered as solely applicable to Clergymen of the Church of England, an acceptance which your Committee would be extremely sorry to admit. The subsequent release of the grantees from the conditions imposed by the Grants of settling their Lands with Foreign Protestants, having led the various denominations of Christians in this Island to assert an equal claim to these reserves, the Legislature was induced to pass the Act in question, as the only effectual means of allaying the jealousies and heart-burnings incident to such conflicting claims; and your Committee have every reason to believe that the appropriation of the proceeds of these Lands to the purposes of general Education has given the utmost satisfaction to a vast majority of the inhabitants of every denomination in this Colony.

The Committee of the House of Assembly deny that the Bishop of Nova Scotia, on his visit to this Island in 1836, ever had a conversation with any Member of that House upon the Act in question, who had concurred in its passing, as asserted by His Lordship; but the Committee of the Council admit that His Lordship did converse on the subject with some of its Members who concurred in the measure; and it is to be regretted that the Bishop did not furnish his "memoranda" of such conversations to the Right Hon. the Secretary of State for the Colonies, for although the arguments used on such occasions may have been considered by him "no more than as feathers in the scale," your Committee are of opinion that they would have been deemed of sufficient weight to have prevented the necessity of Lord Glenelg's calling for a reply from the Legislature of this Colony to the claim set up in the Bishop's communication.

Your Committee cannot avoid remarking on the statement contained in the extract of the Bishop of Nova Scotia's Letter, of May, 1837, that "many of the Glebes were under improving leases, which the Clergy had been duly authorized to grant." Such Leases were but few, and were granted by them in their capacity of *Conservators of Glebes only*, to which they were appointed by the Administrator of the Government, chiefly with the view of preventing waste; and as such Leases were limited to twenty-one years, or three lives, it cannot be supposed that so short a term in wilderness lands could be of so beneficial a nature as to induce improvements to any great extent; and the recognition of these leases in the Act was to prevent any alleged hardship which the occupiers might urge, should they lose the advantage of any labour expended by them; and your Committee consider the assertion made in the same extract, that "on two of the Glebes burial places had long been used, and that these, with their dead bodies, were sold with the rest," to be disingenuous and unfair. Your Committee are not aware of more than one Glebe which was so circumstanced, and in that case, namely, on Township Thirteen, the part which had been used as a burial ground, with an addition of about four acres, was expressly reserved at the time of sale, and set up at the request of the Clergyman of the Parish, for the sole purpose of obtaining a title, and was bid in by him at the nominal price of Twenty shillings, being the first and only bid made therefor; and your Committee cannot help expressing their belief that these facts must have been misrepresented to the Bishop of Nova Scotia, for the purpose of inducing him to make this revolting and unmerited charge.

All which your Committee respectfully submit to the consideration of your honorable Houses.

T. H. HAVILAND,  
ROBERT HODGSON,  
JOHN BRECKEN,  
JOSEPH POPE,  
PETER M'CALLUM,  
JOHN RAMSAY,  
WILLIAM CLARK.

On motion, the House resolved itself into a Committee of the whole, on the said Report.  
*Colonel Lane* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Report, and had agreed to the same, without any amendment.

On motion, that the Report of the Committee be agreed to;

The House divided:

#### CONTENTS.

*The Chief Justice,*  
*Mr. Wright,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken.*

#### NON-CONTENTS.

*Colonel Lane,*  
*Mr. Smith,*  
*Mr. Goodman.*

And it passed in the affirmative.

*Mr. Haviland*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Government, the Joint Report of the Council and

Assembly, founded on His Excellency's Message of the 29th January last, relative to the Land Assessment Act of last Session, presented an Address, as prepared by the Joint Committee, and the same was read, and is as follows, viz:

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

*May it please your Excellency;*

The Council and Assembly having agreed to a Report, founded on your Excellency's Message of the 29th day of January last, relative to the objections urged by certain persons in England against the Royal Assent being given to "An Act for levying an Assessment on all Lands in this Island," passed in the last Session of the Local Legislature, respectfully request, that your Excellency will be pleased to forward the same to Her Majesty's Government, for the assistance of the Queen in Council, in deliberating on the question which awaits Her Majesty's decision, as desired by the Right Hon. Lord Glenelg.

In transmitting this Report, the Council and Assembly request that your Excellency will be pleased to urge upon Her Majesty's Government the great importance of bringing to a speedy and favourable issue a measure so intimately connected with the best interests of the Colony as the Act in question.

**Ordered,** That the said Address be agreed to.

**Resolved,** That a Committee be appointed to join a Committee of the House of Assembly, to wait on His Excellency with the said Address.

**Ordered,** That the same Committee who prepared the Address be a Committee for that purpose.

**Ordered,** That the said Resolution be communicated by Message to the House of Assembly.

**Resolved,** That a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Government the Joint Report of the Council and Assembly, upon His Excellency's Message of the 16th February last, communicating to both Houses copy of a Despatch from the Right Honorable Lord Glenelg, accompanied by a correspondence from His Grace the Archbishop of Canterbury, and the Bishop of Nova Scotia, on the subject of the Act for the sale of Glebe and School Lands in this Island.

**Ordered,** That the same Committee who prepared the Report, be a Committee for that purpose.

**Ordered,** That the foregoing Resolution be communicated by Message to the House of Assembly.

A Message from the House of Assembly, by Mr. Pope, with the Bill intituled "An Act for the regulation of the Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose"—agreed to, as amended by the Legislative Council.

And also—

In the House of Assembly,

Friday, 6th April, 1838.

**Resolved,** That a Committee be appointed to join the Committee of the Legislative Council, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Government the Joint Report of the

Council and Assembly, upon His Excellency's Message of the 16th February last, communicating to both Houses, copy of a Despatch from the Right Honorable Lord Glenelg, accompanied by a correspondence from His Grace the Archbishop of Canterbury, and the Bishop of Nova Scotia, on the subject of the Act for the sale of Glebe and School Lands in this Island.

*Ordered*, That Mr. Pope, Mr. Macnutt, Mr. Thornton, Mr. Ramsay, Mr. Green and Mr. Macdonald do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the Legislative Council.

Mr. *Haviland*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Government the Joint Report of the Council and Assembly, on the subject of the Act for the sale of Glebe and School Lands, presented to the House an Address, as prepared by the Joint Committee, and the same was read, and is as follows, viz:

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

*May it please your Excellency;*

The Council and Assembly having agreed to a Joint Report upon your Excellency's Message of the 16th day of February last, communicating to both Houses copy of a Despatch of the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State, accompanied by a correspondence from His Grace the Archbishop of Canterbury, and the Bishop of Nova Scotia, upon the subject of the Act for the sale of Glebe and School Lands in this Island, respectfully request that your Excellency will be pleased to transmit the said Report to Her Majesty's Government, as embodying the reasons of the Council and Assembly for dissenting from the Bishop of Nova Scotia's views in reference to the Act in question.

On motion, that the said Address be agreed to;

The House divided:

#### CONTENTS.

*The Chief Justice,*  
*Mr. Haviland,*  
*Mr. Attorney General,*  
*Mr. Brecken.*

#### NON-CONTENTS.

*Colonel Lane,*  
*Mr. Smith,*

And it passed in the affirmative.

*Ordered*, That the said Address be engrossed.

*Resolved*, That a Committee be appointed to join a Committee of the House of Assembly, to wait on His Excellency with the said Address.

*Ordered*, That the same Committee who prepared the Address, be a Committee for that purpose.

*Ordered*, That the said Resolution be communicated by Message to the House of Assembly.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, April 7th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*Mr. Haviland*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Joint Report of the Council and Assembly, on the subject matter of certain documents communicated to both Houses, relative to the Land Assessment Act of last Session, and also the accompanying Address, to His Excellency, praying that he will be pleased to transmit the said Joint Report to Her Majesty's Ministers, reported that the Committee had performed the duty assigned them, and that His Excellency was pleased to say, that he approved of the Report, and that in transmitting the same, he would use his influence to obtain for the Colony the advantage of the measure to which the Report refers.

*Mr. Haviland*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Joint Report of the Council and Assembly, on the subject matter of certain documents communicated to both Houses on the 16th February last, relative to the Act authorizing the sale of the Glebe and School Lands in this Island; and also the accompanying Address to His Excellency, requesting that he will be pleased to transmit the said Joint Report to Her Majesty's Ministers, reported that the Committee had performed the duty assigned them, and that His Excellency was pleased to say he would transmit the Report as desired.

The House took into consideration the Incidental Expenses of the present Session, and allowed the same as follows, viz:

|                                                                            |     |    |   |
|----------------------------------------------------------------------------|-----|----|---|
| The Rev. L. C. Jenkins, Chaplain to this House,                            | £20 | 0  | 0 |
| John C. Wright, Esq. Usher of the Black Rod, 69 days, at 10s. per diem,    | 34  | 10 | 0 |
| Clerk of the Legislative Council, including Stationary,                    | 140 | 1  | 4 |
| John Rider, Messenger, including sundry disbursements,                     | 28  | 15 | 9 |
| Moses Hayes, Doorkeeper,                                                   | 23  | 1  | 6 |
| Charles Desbrisay, for preparing an Index to the Journals of last Session, | 7   | 10 | 0 |

*Resolved*, That an Index be prepared to the Journals of the present Session, by the Deputy Clerk, and that he be allowed the sum of Seven Pounds Ten Shillings for his extra trouble in preparing the same, when completed, on the certificate of the President.

*Resolved*, That the Printer be directed to bind the Journals of the present Session, for each of the Members of this House.



His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the attendance of the House of Assembly immediately in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased, in Her Majesty's name, to give his assent to the following Bills, viz:

An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose.

An Act to amend an Act intituled "An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County, a Term for the trial of Issues, for a limited period."

An Act for regulating the several Jails within this Island, and establishing Prison Discipline therein.

An Act to prevent the Streets and Squares of Charlottetown being encumbered with Nuisances.

An Act to prevent disorderly riding, and to regulate the driving of Carriages on the Streets and Public Roads.

An Act relating to the Office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration.

An Act to reduce the Penalty imposed on certain offences by an Act of the Imperial Parliament, passed in the Seventh Year of the Reign of His late Majesty, intituled "An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters."

After which the Speaker of the House of Assembly addressed His Excellency as follows:

May it please your Excellency ;

In behalf of the House of Assembly, I beg leave to present, for your Excellency's assent, the following Bills of aid, and for appropriating the Supplies which Her Majesty's faithful subjects have granted this Session for the support of the Provincial Government. I trust your Excellency will find them liberal, and they will, no doubt, produce the desired effect of promoting the general prosperity of the Colony; besides they will afford your Excellency an unequivocal proof of our devoted loyalty and attachment to Her Majesty's Government, under which we have the happiness to live. I likewise embrace the present opportunity of expressing to your Excellency, on behalf of the House of Assembly, their sincere thanks for the cheerful and ready attention which has uniformly been bestowed on all subjects which they, as representatives of the people, found it necessary to submit for your Excellency's consideration.

And then Mr. Speaker presented the following Bills, viz:

An Act to further amend an Act of the Tenth year of the Reign of His late Majesty King George the Fourth, intituled "An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation."

An Act to continue for one year and to amend an Act passed in the Seventh Year of His late Majesty's Reign, intituled "An Act for the increase of the Revenue of this Island."

An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-eight.

To each of which His Excellency was pleased, in Her Majesty's name, to signify his assent.

And then His Excellency was pleased to make the following Speech to both Houses:

*Mr. President, and Gentlemen of the Legislative Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

The business of the Session having been brought to a close, I have much pleasure in being enabled to release you from your Legislative duties; and in doing so, I beg to return you my sincere thanks for the attention you have so readily given to the different Messages I have had occasion to submit to your consideration.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I thank you for the Supplies which you have voted for the Public Service. My best attention shall be given to their proper application.

*Mr. President, and Gentlemen of the Legislative Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

In my Speech, at the commencement of the present Session, I took occasion to call your attention to the continuance of the excitement on the question of Escheat; and I felt gratified by the prompt assurance which you gave me of your desire to support me in the vindication of the Laws, and the preservation of the rights of property. I now ask for your co-operation, in my endeavours still further to undeceive the public mind on this subject; and for this purpose, I address myself more particularly to those Members of the House of Assembly who reside in the country districts.

In a Despatch, which I received from Her Majesty's Secretary of State for the Colonies, by the February Packet, I am commanded to take the earliest and best means of making public the fixed and unalterable determination of Her Majesty's Government, to abide by their repeated decisions against the establishment of a Court of Escheat in this Colony; and I am further commanded to use the most explicit and distinct terms, in warning the deluded Tenantry, that, should the execution of the Laws be resisted—the peace of the Colony disturbed—or any attempt made to violate the rights of property, such offences will most assuredly be visited with the utmost severity of the Law. I would fain hope, that such a necessity will not arise. I trust, the excitement is subsiding; and it is my most anxious wish, that any persons who have been led away by specious, but deceptive hopes and expectations, should return to those more peaceful occupations, which will be far more conducive to their own welfare—the domestic happiness of their families—and the general interests of the Colony.

But, lest my sanguine expectations should be disappointed, and lest any misguided individuals—mistaking the forbearance hitherto shewn by the Government for timidity, or forgetful of what is due to the general cause of good order, and the undoubted rights of private property—should be so rash as to attempt to violate these rights, or to resist the authority of the Law, I entreat you, on returning to your homes, to make known as widely as possible the commands I have received, and also to impress upon the minds of your constituents the hopelessness of persisting any longer to agitate this question.

I turn now to a more pleasing theme—the various useful and important measures which have passed during the progress of the Session: and I venture to express my fervent hope, that the good understanding which has prevailed between the three branches of the Legislature, at the commencement of my administration of this Government, may continue so long as I have the honor to preside over the affairs of this Colony; and I request you to believe, that, in returning to your more private avocations, you will carry with you my best wishes for your prosperity and happiness.

After which the President of the Council said—

Gentlemen;

It is the will and pleasure of His Excellency the Lieutenant Governor, that this General Assembly be prorogued until Thursday the Seventeenth day of May next; and this General Assembly is accordingly prorogued until Thursday the Seventeenth day of May next.

**END OF THE SESSION.**



# **APPENDIX**

**TO THE**

## **JOURNAL**

**OF THE**

### **LEGISLATIVE COUNCIL**

**OF**

**PRINCE EDWARD ISLAND,**

**FOR THE SESSION COMMENCING THE TWENTY-THIRD DAY OF JANUARY, AND  
ENDING THE SEVENTH DAY OF APRIL,**

**1838.**



# APPENDIX

[A.]

(SEE PAGE 17.)

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## DIVERS DOCUMENTS

ADDRESSED

**To the Right Honorable Lord Glenelg,**

Her Majesty's Principal Secretary of State for the Colonial Department, relative to the Act of the Legislature of Prince Edward Island, passed in 1837, levying an Assessment on Land, and now awaiting the Royal Allowance.

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- No. 1. MEMORIAL to Lord Glenelg, from the 'Proprietors of Land and others intereteds' in the prosperity of Prince Edward Island,' protesting against the Royal Assent being given to the Land Assessment Act, and praying to be heard by their Counsel.
2. LETTER addressed to Lord Glenelg, by Henry R. Hill, Esq. containing a paper of Observations on the above mentioned Act.

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No. 1.

*To the Right Hon. Lord Glenelg, &c. &c. &c.*

The Memorial of Proprietors of Land in Prince Edward Island, and others interested in the prosperity of that Colony, agreed upon at the monthly Meeting of the Association, held at No. 94, Great Russell Street, on the 13th of August, 1837—Robert Stewart, Esq. having been nominated Chairman—

*Most respectfully sheweth;*

THAT your Lordship's Memorialists have received the copy of an Act, passed during the sitting of the last Session of the Legislature of Prince Edward Island, by the Council and House of Assembly, and transmitted by the Lieutenant Governor, for the Royal Allowance, and now under consideration of Her Majesty in Council, intituled *An Act for levying an Assessment on all Lands in this Island*, in which (amongst other things) it is enacted, that there shall be paid, annually, during the continuance of this Act (Ten years), the sum of Four Shillings for every Hundred Acres of wilderness or unimproved Land, and the sum of Two Shillings for every Hundred Acres of cultivated or improved Land, contained in the several Townships, and the several Islands belonging thereto.

## APPENDIX (A.)

That on reference to a certain Despatch of Viscount Goderich (now Earl Ripon), dated 27th January, 1833, and appearing under Proclamation in the Charlottetown *Royal Gazette*, dated 2d April, 1833, and referred to in the Right Honorable Mr. Secretary Stanley's Despatch, dated 28th May, 1834, and again appeared under Proclamation in the said *Gazette*, dated 18th October, 1836, specifying the terms on which Proprietors of Land in the Colony can redeem the Quit Rents issuing from their Lands, it appears to your Memorialists that if the said Act be permitted to go into operation, by receiving the Royal Allowance, it will repudiate the Despatch and Proclamations, and the arrangements entered into under them by Proprietors, for redeeming the Quit Rents on their Lands: and your Memorialists respectfully submit, that this would be inconsistent with the faith and respect to which such Despatches, Proclamations and Arrangements are, and ought to be, and ever were, entitled.

That by the Land Assessment Act, 2 Geo. 4, cap. 7, now about to expire (when the Quit Rents will be revived), all the Township Lands in Prince Edward Island are taxed at Two Shillings per One hundred Acres, which, with the Tax upon the Town, Pasture and Water Lots, amount to upwards of One thousand four hundred Pounds per annum. And your Memorialists respectfully submit, that this is an ample and even heavy portion of taxation for the Land to bear, and exceeds what is paid in any other Colony in British North America.

That by the Upper Canada Act, 59 Geo. 3, cap. 7, levying a Tax upon Lands, as well as upon private property of every description, the Tax laid on wilderness land is not to exceed, in any one year, One Shilling and Eight-pence per One hundred acres, being one-sixth less than the Tax already on wilderness land in Prince Edward Island; and by the same Act, the cultivated land in Upper Canada is taxed at Eight Shillings and four-pence per One hundred acres, and all other property in proportion to its value. This Act (the 59 Geo. 3, cap. 7,) was referred to in your Lordship's Despatch of the 10th August, 1836, to His Excellency Sir John Harvey, and a copy transmitted to His Excellency on the 29th of December following.

That to lay an exclusive Tax on wilderness or uncultivated land, or to lay even an equal and exclusive Tax on all lands, cultivated and uncultivated, is, in the highest degree, inequitable and unfair, and is a Tax so opposed to sound principles as not to have been introduced into any other British Colony. That to tax the wilderness land in Prince Edward Island at Four Shillings per One hundred acres, and the cultivated land at only Two Shillings per One hundred acres, when the wilderness lands in the Colonies immediately adjoining are not subject to any such imposition, will be a most oppressive and unjust act, and must, in many instances, lead to a forfeiture.

That your Memorialists consider such a measure not only doubtful but dangerous, both in policy and in principle, in any country; for its clear and inevitable operation will be, to deter persons from investing funds in Landed Estate where such a Law prevails, it being a Law without precedent in any part of Europe or America.

That in all countries there are tracts of land which never can be profitably cultivated, however dense the population may become; and to impose a burthen upon them is opposed to the principle of rational taxation.

That Ireland, for instance, a country as densely peopled as any in Europe, contains nineteen millions four hundred and forty-one thousand nine hundred and forty-four acres, being about two and a half acres to each person, out of which quantity there are seven millions three hundred thousand acres uncultivated, and about four millions five hundred thousand acres of this quantity are capable of cultivation and improvement, as appears by the Third Report of the Committee on Emigration (being more than three times the number of acres in Prince Edward Island), a great portion of which only requires draining, to render it equal, in point of fertility, to the best land in Prince Edward Island, and with a climate infinitely superior.

That Great Britain, as appears by the same Report, contains 56,833,330 acres, being about  $3\frac{1}{2}$  acres for each person. Of this quantity there are 22,819,330 acres uncultivated, more 'than one third of the whole quantity, 9,934,000 acres of which are capable of cultivation and improvement, being more than seven times the number of acres in Prince Edward Island; and yet no person ever proposed to lay an exclusive Tax on uncultivated land in Great Britain or Ireland, notwithstanding the outcry about surplus population, and the want of employment for labourers.

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That there are large tracts of land in Prince Edward Island, known by the name of Black Spruce and other Swamps, White Sands, and Barrens, the greatest portion of which never can be profitably cultivated; much less is it reasonable to expect that any part of such land could be so, when the Island is surrounded with so many millions of acres of good productive land in the adjoining Colonies of Nova Scotia, Cape Breton, and New Brunswick, from which it is only separated by a Strait, in parts not ten miles across.

That until within the last few years Crown Lands were granted in the neighbouring Colonies, upon payment of certain small fees. That Public Works, to a great extent, were carried on in the adjoining Colonies, causing large sums of the public money to be put into circulation, which naturally attracted Emigrants to those Colonies. That the least reflection must satisfy any person, that Emigrants without capital will give a preference to a Colony where there is a certainty of employment and of money wages, to one where no such return for labour can be secured, which was and is the case in Prince Edward Island. In New Brunswick, Nova Scotia and Cape Breton, there are large fields of minerals, which are extensively worked by the General Mining Association, who have expended upwards of £300,000 in mining operations, and employ hundreds of hands daily. That, notwithstanding those advantages enjoyed by the adjacent Colonies, Prince Edward Island has a greater population, in proportion to its superficial extent—the only test by which a fair comparison can be made—than any other Colony in British North America; seeing that in Prince Edward Island there are only Forty-two acres for each person; that in Nova Scotia there are Seventy-two acres for each person; in Cape Breton One hundred and sixty-six acres for each person; in New Brunswick Two hundred and twenty-five acres for each person; in Lower Canada Three hundred and thirty-two acres for each person; in Upper Canada Three hundred and sixty-seven acres for each person; and in Newfoundland Three hundred and eighty-seven acres for each person—as will appear by reference to the Table in the third page of the Charlottetown *Royal Gazette* of the 18th July, 1837.

That the population of Prince Edward Island has, notwithstanding the many disadvantages above mentioned, progressively increased at a very rapid progress—the population in 1806 being only 9,676; in 1827, 23,766; and in 1833, 32,292, being an increase in 27 years of 22,616, and, the last six years, of 9,026. Since 1833, the population has continued to increase, and is now supposed to amount to about 40,000 persons.

That upon comparing the quantity of cultivated, and the quantity of uncultivated land in the British North American Colonies, it will appear, that in Prince Edward Island, one seventh part of the whole is under cultivation, whilst in Nova Scotia, only one thirteenth part—in Cape Breton, only one thirty-fourth part—in New Brunswick, only one forty-second part—in Newfoundland, only one hundredth part—in Upper Canada, only one forty-eighth part—in Lower Canada, only one thirty-eighth part—of the whole is under cultivation; as will appear on reference to Bouchette's *British Dominions in North America*, vol. 2, page 235; and yet the only plea for imposing such an oppressive tax is the non-settlement of the Colony.

That evil disposed persons in the Colony have asserted with much pertinacity that Prince Edward Island has not kept pace with the Colonies immediately adjoining, in the progress of settlement. This assertion is manifestly untrue, although it has been adopted without due inquiry by some persons otherwise well informed on matters relating to the British Colonies. The fact, nevertheless, is, Prince Edward Island has not only kept pace with the Colonies immediately adjoining, in regard to settlement, but has actually preceded them, in whatever way the comparison may be made, and will probably continue to do so, if the spirit which leads to agitation can be allayed; but it cannot reasonably be expected to outstrip them more than it has done; the adjoining Colonies must and will continue to be settled in nearly the same ratio, as they possess advantages and facilities for settlers which Prince Edward Island never did and never can possess.

That the doubts thrown upon the validity of the Titles to the Lands in Prince Edward Island, from time to time, by the mischievous and absurd agitation of the Escheat question, have been, and still continue to be, the cause of deterring respectable emigrants from proceeding to or investing property in the Colony, and have done much to retard its settlement and improvement.

The Right Honorable Mr. Secretary Stanley, in his Despatch, dated 28th May, 1834, in which he countenances the imposition of a Tax on Wilderness Land, assumes the value of Wilderness Land to exceed greatly what it has ever been known to sell at; for he says,—‘on land of a good quality, which probably



## APPENDIX (A.)

' would sell at 20s. per acre, a Tax of 4s. 6d. per one hundred acres, or  $4\frac{1}{2}$  per cent. on the interest of the purchase money, can hardly be said to be exorbitant; but if, upon a Grant of 10,000 acres, one half be altogether irreclaimable and valueless, the Tax is then doubled in effect, and becomes absolutely ruinous.' Your Memorialists, however, maintain, and are prepared to prove, that the average value of Wilderness Land in the Island is under 4s. per acre—but say 4s.—and, at that rate, instead of  $4\frac{1}{2}$  per cent. according to Mr. Stanley's estimate, 4s. per one hundred Acres on wilderness land will be twenty per cent. on the interest of the purchase money. In proof of this, it may only be necessary to state, that there are tracts of as good average land as any in the Island, which have been repeatedly, and for years, and still are, offered for sale at 2s. 4d. per acre, but for which no purchaser can be found; nor is there an instance, so far as your Memorialists know or believe, of a tract of 4000 acres, and upwards, having realized 4s. per acre.

Your Memorialists, therefore, respectfully submit, that a Tax of 4s. per 100 acres, on wilderness land, or 20 per cent. on the interest of the purchase money, is an exorbitant tax, and will become absolutely ruinous, supposing all the land to be equally good in quality, which, it is well known, not to be.

That certain insidious and evil disposed persons have promulgated opinions and statements tending to persuade the people of the Island, and persons in this country, that the Proprietors of Lands have acted, and do still act, in hostility to the resident population—whereas your Memorialists deny such opinions and statements to be founded on fact; and on the contrary, are able distinctly to prove, that, with the exception of the few Indian and Acadian population, the whole of the population have either been taken to the Island at the expense of the Proprietors, or induced to settle in the Colony in consequence of the encouragement and employment offered to them by the large Proprietors, resident and absent, very many of whom have expended large sums of money, and have as yet received either no returns, or if any, so small as to yield no compensation for the capital invested and the annual outlay required.

That your Memorialists maintain, and are prepared to prove, that land can be obtained in Prince Edward Island, upon as easy, if not upon more easy terms than in any of the neighbouring Colonies—namely, to purchase at from 2s. to 20s. per acre, and to rent at from 6d. to 1s. 6d. per acre; and that they have been, and still are willing and anxious, to advance the settling of their lands and the general prosperity of the Colony, as far as may be consistent with reasonable expense; but they cannot view otherwise than as a measure at once injurious and unjust, the plan of compelling your Memorialists to incur ruinous and fruitless expense in attempting, prematurely, to settle their lands, or submitting to the alternative of what may fairly be deemed a forfeiture, by forcing the Wilderness Land into a market already overstocked with land for sale. Of the effect of such a measure Mr. Secretary Stanley was fully aware, when, in his Despatch already referred to, he says—' Independently of the difficulties and expense of collection, the avowed intention and expected effect is, to bring large masses of land under escheat for non-payment. But although provision is made for selling so much of the land as may be necessary to cover the assessment, the effect of pouring so large a portion of land into a market already overstocked, may be so far to reduce the price, as to render it impossible to find purchasers willing to take it at any price, subject to the amount of the duty.'

That your Memorialists respectfully submit, that if the object of the promoters of the Act were to raise a permanent Revenue, that object would be more equitably obtained by laying a fair and moderate Tax upon land, in common with all other property, similar to the plan adopted in the Upper Canada Acts, 59 Geo. 3, cap. 7, and 6 Geo. 4, cap. 7, referred to in your Lordship's Despatch to His Excellency Sir John Harvey, of the 10th of August, 1836.

That your Memorialists also submit, that the proposed scheme of Taxation is a flagrant act of injustice and partiality, inasmuch as one species of property alone—and that of necessity an unproductive one—is taxed, to the exemption of all other; and they cannot consider the measure otherwise than as an unprovoked attack upon the sacred rights of property, tending to render the lands of your Memorialists valueless, and, in short, intended by its framers to bear as a penalty upon your Memorialists, for not being able to perform impossibilities.

That His Majesty had been graciously pleased, from time to time, to waive some of the conditions of settlement, imposed by the original Grants—such conditions having been found impracticable to be fulfilled.

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That His Majesty was advised to adopt this course on principles of sound policy and justice by his Ministers, who declined advising His Majesty to establish a Court of Escheat in Prince Edward Island; and that if the proposed measure of taxing uncultivated or wilderness land be suffered to receive the Royal Assent, the above mentioned indulgence and waver of conditions, on the part of the Crown, will be rendered nugatory, and of course be defeated.

That your Memorialists are informed, and believe, that to render His Majesty's indulgence and waver of conditions nugatory is the real wish and object of those parties in the Island who have introduced this measure for taxing so exorbitantly the uncultivated or wilderness lands; and that an avowal of such wish and object, on the part of a member of the Prince Edward Island House of Assembly—the proposer of the present measure of taxation—may be found in the *Charlottetown Gazette*, of the 26th of February, 1833, where it is distinctly stated, that such a Tax on Wilderness Land will be a virtual Escheat.

That a reference to the Prince Edward Island *Royal Gazette*, of the 10th January, 1837, will shew that such wish and object have lately been openly declared and promulgated by other individuals in the Prince Edward Island *Gazette*; and that the seditious and inflammatory nature of certain expressions, therein stated to have been used, called forth the marked notice and reprobation of His Excellency the Lieutenant Governor, Sir John Harvey.

That, among other improper and objectionable propositions, a design was avowed of furnishing His Majesty's Ministers with an excuse to the proprietors for advising His Majesty to sanction the aforementioned measure of Taxation; and that such excuse was to consist of a repetition and continuance of the same seditious and inflammatory expressions of feeling and opinion.

That the present is by no means the first attempt made by certain parties in the Island to render valueless the property of your Memorialists; but that, for several years past, one measure after another, to that end, has been in agitation in the Island. That your Memorialists view the present attempt as part of a system of injury against which they have no protection, other than the goodness of their cause and the wisdom and firmness of Her Majesty's Government.

Your Memorialists therefore pray your Lordship, that for the above, and other equally cogent reasons, the said Act may not receive the Royal Allowance; or, at any rate, that such Allowance may not be given without the same being first referred to the Judicial Committee of the Privy Council, and your Memorialists afforded an opportunity of stating and supporting their objections to the said Act by their Counsel.

(Signed)

ROBERT STEWART, Chairman.

No. 2.

(Copy.)

12, COPTHALL COURT,  
Throgmorton Street, 20th September, 1837.

My Lord;

A Memorial from the general body of Proprietors of Lands in Prince Edward Island, against the principle of an Act which has recently passed the two Houses of the Colonial Legislature, and now lies before Her Majesty in Council, for allowance or disallowance, having been recently presented to your Lordship; but without entering into any of those specific objections which, I humbly submit, may justly be entertained to some of the details of the measure, I beg leave, on the behalf of my family (who, being interested in Eighty thousand acres of Land in that Colony, will be deeply affected by the operation of the Act, if it receives the Royal Allowance), to solicit your Lordship's attention to the accompanying observations on several of the Sections of the Act.

I have to apologise to your Lordship for so long a trespass upon your invaluable time; but I trust that the importance to the parties concerned of the questions involved in the Colonial Act on which I have ventured to offer these remarks, will be received as a sufficient excuse.

I have, &c.

(Signed)

HENRY R. HILL.

The Right Hon. Lord Glenelg, &c. &c. &c.

## APPENDIX (A.)

Observations upon the Act of the Prince Edward Island Legislature, 7 Will. 4, cap. 31, intituled *An Act for levying an Assessment on all Lands in this Island.*

Section 1.—The preamble assumes that the Lands are in the hands of the original Grantees, and that they have not settled or disposed of them, or made any exertions for either of those purposes; whereas there is scarcely a single Lot remaining in the possession of the original Grantees or their descendants. The great majority of the present proprietors have become so as purchasers, for valuable consideration, which, of itself, negatives the assumption that the original Grantees have not disposed of their lands; but we have yet to learn that it was a condition or object of the original Grants that the Grantees should part with their interests. Property is usually granted to be *enjoyed*, not disposed of. As to the allegation of non-settlement, it is totally devoid of truth. Settlement, in the sense in which the word is here employed, is a relative term. By what test is its application to the lands in Prince Edward Island to be tried? Is it by the terms of the original Grants, or by the relative condition of the neighbouring Colonies? For no one surely can be so unreasonable as to institute a comparison between an infant Colony in the New World and a populous nation of the old Continent. This is a subject upon which infinite pains have been taken to mislead His late Majesty's Government, and, it is to be feared, with some effect. There is consequently the more reason to set this matter in its true light. If, then, we look to the terms of the original Grants, we find that settlement was there defined to be a population in the proportion of one person to every two hundred acres; but it was most absurdly superadded, that such settlers should be *Foreign Protestants*. This formed an obstacle to the settlement of the lands (particularly during the war which raged in Europe, and in which this country was engaged nearly half a century after the Grants were made,) that it was impossible to surmount, while, at the same time, it was alike calculated to deter the proprietors from the expenditure of capital, in the transportation of British settlers, and to discourage Emigrants from settling in the Island under Landlords whose titles were rendered precarious by the impracticability of complying with this absurd condition. It was not until the year 1818, that the representations of the proprietors on this subject were attended to, and this condition released by the Prince Regent, and a further term of ten years given to the Proprietors to settle their lands within those ten years. The condition thus rendered practicable was complied with by the great body of Proprietors, and the names and ages of the persons constituting the population were registered in a public Office in the Island. Thus the settlement, as defined by the original Grants and the Proclamation of the Prince Regent, was complied with. But let it not be supposed, that no earlier efforts had been made to settle the lands. So far is this from being true, that it is notorious that many of the persons who purchased the lands of the original Grantees, and who did so with a view to their settlement and improvement, were absolutely ruined, or greatly impoverished, by the vast sums they expended in their endeavours to accomplish this object, foiled as they were in their attempts, by the above condition that the settlers should be *Foreign Protestants*—by the misgovernment of the Island, where fraud, rapine and injustice were practiced by the local authorities, and the judgment seat itself polluted by party predilections and antipathies, and by rapine and extortion, no less than it was degraded by ignorance and imbecility. The proof of this is to be found in the removal of the Public Officers, from time to time, when the outrages committed (see the note at the end of these remarks) had exhausted the patience of the Colonists, and their clamours for justice—long unattended to—had forced their way to the foot of the Throne.

The late Captain John Macdonald, Mr. Clarke, Major Fedd, Mr. Smith, the late chief Baron Montgomery (of Scotland), and Mr. John Hill, were among the Proprietors who, as early as 1770—1790, and for a long series of years afterwards, expended large sums of money in attempts to settle and improve the Lands: and there were many others who, at a later period, (amongst whom was the late Earl of Selkirk,) did the same.

*Secondly.*—If we compare the settlement of the Island with that of the neighbouring Colonies, which, be it remembered, (and this fact should never be lost sight of,) have enjoyed the advantage of great public works being carried on at the expense of the Government (an advantage never extended to Prince Edward Island. what is the result? The accompanying tabular view of the British North American Colonies shews that, with inferior advantages—in despite of past misgovernment, the most disheartening—without the aid of the public money, so bountifully expended in canals and other public works in Canada—without the advantages which Nova Scotia and Cape Breton have enjoyed, in their mines, and in the presence of a large fleet at Halifax

during the long war—one seventh part of its surface has been cultivated, while in Nova Scotia only one thirtieth; in Cape Breton, only one twenty-fourth; in Lower Canada, only one thirty eighth; in New Brunswick, only one forty-second; and in Upper Canada, only one forty-eighth part have been brought into cultivation; and that while the population of Nova Scotia and Cape Breton is only nine persons to every square mile—that of Upper and Lower Canada only about three—and that of New Brunswick between three and four—Prince Edward Island is peopled in the proportion of fifteen persons to the square mile. What then becomes of the clamour about nonsettlement and non-cultivation!

Section 4 provides that the Proprietor shall be entitled to redeem his Lands within two years after sale under the Act, on repayment of the purchase money, with interest and expenses, and a fair allowance for improvements—the same, in case of dispute, to be ascertained by the Supreme Court. That Court is one of Common Law Jurisdiction only—and how is it to ascertain what are fair allowances? It has none of the machinery by which a Court of Equity works out an inquiry of this nature. Is the Supreme Court to ascertain the fact by the aid of a Jury, or to decide upon affidavits?

Section 7 enacts that when the Sheriff shall have sold any Lands, for non-payment of the assessment and costs, and such Lands shall have produced more than sufficient, the Sheriff shall pay the surplus to the Treasurer of the Island, for the benefit of the Proprietor; and in case of dispute as to the right of any claimant to such surplus, the same shall be determined in a summary way by the Justices of the Supreme Court, and the costs shall be paid by the person wrongfully claiming. The consequences of this enactment may be most serious. Put the case of a disputed Title to Land—the very case in which the assessment is most likely to remain unpaid. The Supreme Court then is to decide in a summary way—of course without the aid of a Jury—questions of title to real property of the most delicate nature, however complicated the facts, however intricate the law—involving questions of legitimacy, international law, and other difficulties innumerable, many of which will suggest themselves to the mind of every real property lawyer.

Section 8 enacts that all Lands shall be deemed wilderness or unimproved Lands, and charged with the higher rate of assessment, unless the owner or occupier shall make a return of such land in the mode prescribed in the Act; and if he shall make a false return, he shall forfeit £50—one half of which fine shall go to the informer. To many of the smaller proprietors on the Island, the fine of £50, which of course is to be paid in specie, in a country having a very scanty circulating medium, would be ruinous; and yet an inadvertence will equally expose them to its infliction with a deliberate attempt to mislead. The word 'wilfully' or 'fraudulently' should have been inserted before the word 'make.' The word 'wilful' is inserted in the Canada Act, referred to in Lord Glenelg's Despatch of the 10th of August, 1836, to the Lieut. Governor. There can be no question, that the temptation held out by the moiety of the penalty given to the informer will, in a state of society like that of Prince Edward Island, lead to numerous harassing informations; and as the distinction between improved and unimproved lands is not well defined in the Act (see the observations on the next Section), there may be cases of doubt, in which the Proprietors may really have acted *bona fide*, to say nothing of the hardship of the case upon absent proprietors, who are obliged to entrust these matters to Agents, not always educated persons.

Section 9 is the only Section which defines, or attempts to define, what is meant by cultivated Land; and it enacts, that when it shall appear from the return that any person is the owner or lessee of any quantity of land containing 300 acres, or any less quantity, and shall have actually settled thereon, or in case of non-residence, shall have inclosed and cultivated in the proportion of five acres for each hundred acres, and in the same proportion for any less quantity thereof, such land shall be deemed cultivated or improved within the meaning of the Act. But suppose an owner or lessee of 350 acres—what is he to do? He may inclose and cultivate from North to South and from East to West, but it will not avail him under this Section. Is he to be forced to sell or give away 50 acres of land, that he may be able to describe himself as owner or lessee of 300 acres only? or is he to incur the hazard of a penalty for a false return by untruly registering himself as owner or lessee of that quantity only? The words 'inclose' and 'cultivate' also require to be defined. Inclosure is not to avail without culture, or culture without inclosure.

## APPENDIX (A.)

1st. What will satisfy the word inclose? Is a man to be at the expence of running a brick wall or a wooden fence, or digging a trench, or throwing up a bank round his 300 acres of land? There are many districts in England in which inclosure is not practiced in any form, as in the Isle of Thanet, and in many parts of Wiltshire and Oxfordshire; yet the land is not the worse cultivated.

2. What amounts to culture? Is the cutting down of the trees sufficient? It would appear not. Is cultivating between the stumps sufficient? Will patches of grain, potatoes, &c: at intervals, do? or must they be continuous? Is meadow or pasture land to be deemed cultivated? and if it is, it may be in jeopardy for non-inclosure. The word 'owner' is extremely vague. The question immediately arises, is a Mortgagee, in possession, an owner? Is a Tenant for life an owner? Is a Trustee or his Cestuique Trust the owner?

Section 11 empowers the Sheriff to adjourn the sale from day to day, at his discretion, on giving public notice thereof. He is not restricted to a case where there is any reason for so doing, nor is he directed to give any definite *previous* notice. A proprietor residing in a remote part of the Island, who is disputing with the Town Officers about the construction of the Act, and the liability of his land to the larger assessment (and God knows there is room enough for a doubt upon its construction), suddenly finds it advertised for sale. The Sheriff is, perhaps, a personal enemy, or secretly influenced by one, or by a friend of his own who is desirous of buying the good man's land for an old song (these personal feelings and interests are constantly operating in a small community); he travels to Charlottetown, to bid, or procures a compassionate neighbour to go there and bid a fair price, to prevent his property being sacrificed. The Sheriff hears that he has arrived, and he sends the crier round, on the morning of the day appointed for the sale, to proclaim the postponement, and waits until the Proprietor or his friend can stay in town no longer. True it is, that he may redeem within two years; but he must raise the money in cash. A little delay takes place, and then he finds he shall be involved in litigation about the 'fair allowances claimed for improvements. The Upper Canada Act, before referred to, only authorises a sale when the Tax is eight years in arrear.

Section 12 enacts that no omission of any direction contained in the Act, relative to notices or forms of proceeding, previous to any sale made under the Act, shall render such sale invalid; but the aggrieved party shall seek redress, in the shape of damages, from the person guilty of the omission—that is to say, your land may be sold without any notice whatever, and you may enjoy the luxury of bringing an action against a man who has left the Island, or who is only a man of straw. Really, when it is considered that the operation of the Act is *highly penal*—that its consequences are to strip a man of his land—it is one in which the conduct of the Officers certainly ought to be jealously watched, and the most strict regularity exacted.

The remaining Sections are principally devoted to the establishment of a Building for keeping the Records of the Colony, and other Documents, and for the sittings of the Legislature, which seem to be objects inconveniently mixed up with the only subject mentioned in the Title of Act: but it is not for the writer to complain of this, if the Government sees no objection to it. He may be, however, permitted to remark, that £5000 seems to be an enormous sum for the building required, in a Colony in which £500 will build a first-rate house; where the Records are so few, that a room of twelve feet square would more than suffice for their deposit; and, moreover, a Colony in which the annual Revenue is not more than double the sum proposed to be expended on this building.

It is not the least amusing part of this clumsy attempt at Legislation, that the 23d Section, which suspends the operation of the act until it shall be ascertained that Her Majesty has been pleased to relinquish all claim to the Quit Rents during the continuance of the Act, recites, that it has been passed in the confident expectation that Her Majesty, taking into consideration the very depressed state of the Colony, and the small advancement made in its improvement, will be pleased to forego the claim to Quit Rents. It certainly is a novel mode of relief, to double the burden upon the proprietor, as this Act proposes to do.

*Lastly.*—Although the Assessment is to be a substitute for the Quit Rents, there is no provision made in the Act for the case of those who wish to avail themselves of the arrangement with Earl Ripon, for their redemption. See his Despatch of the 27th January, 1833.

## APPENDIX (A.)

Although the memorial of the general body of Proprietors, lately presented to Lord Glenelg, is directed against the principle of the Bill, the importance of the stake to the individuals whom the writer represents, will, he trusts, plead his apology for trespassing further upon his Lordship's attention, by a few additional observations on the general tendency of the measure in question; and that although it should happen to repeat some of the arguments contained in the memorial referred to.

The 'avowed object and expected effect' of this Act (to use the words of Mr. Secretary Stanley's Despatch to the Lieutenant Governor, dated 28th May, 1834,) being to produce a forfeiture of the Wilderness Lands now held by the Proprietors, an inquiry into the justice of the measure becomes necessary.

It has already been shewn, that the alleged cause of complaint does not exist—that the population of the Island is greater, in proportion, than that of either of the other North American Colonies—and that a larger proportion of the land is under cultivation.

The Tax put upon Wilderness Land is, therefore, unjust, and it operates with peculiar hardship and cruelty upon those Proprietors whose families have been impoverished by their expenditure upon their Estates in the Island.

*Secondly.*—The amount of the Tax is excessive. Mr. Secretary Stanley, although he had not before him those data which are now furnished, and which exhibit the falsehood of the allegation of non-settlement and non-cultivation, and, in the absence of such information, was induced to countenance the imposition of a penal assessment, yet did not shut his eyes to the necessity of great caution, least the Tax should be excessive. He says, in the Despatch above referred to—'but the amount of the penalty ought to be fairly considered, and if possible, adjusted according to the practicability of fulfilling the intention of the Grant. On land of a good quality, which probably would sell at 20s. per acre, a tax of 4s. 6d. per 100 acres, or 4½ per cent. on the interest of the purchase money, can hardly be said to be exorbitant; but if, upon a Grant of 10,000 acres, one half be altogether irreclaimable and valueless, the tax is then doubled in effect, and becomes absolutely ruinous. I am aware of the difficulty, if not the impossibility, of putting different assessments, according to the supposed quality of Wilderness Land; but if this be impossible, it is the more necessary to see that the Assessments are, on the whole, moderate, and not unreasonable.' Now, what is the fact? So far from 20s. per acre being the average value of land in Prince Edward Island, when sold in any large quantity, it is not above 3s. 4d. per acre.

The proposed Tax, therefore, is in the proportion of five or six times the amount which the Right Honourable Secretary thought 'could hardly be said to be exorbitant.' There are in Prince Edward Island, as in every other country, Swamps, and other bad tracts of land, which never can be brought into cultivation; while boundless tracts of fertile land are to be found in their immediate vicinity, which, in fact, no Proprietor in his senses would ever attempt to bring into cultivation, until a crowded population should render it not a losing speculation to endeavour to reclaim such land. In some instances, the proprietor of 20,000 acres finds half his land in this condition—yet no mercy is to be shewn to him by this Act; his comparatively valueless land must be paid for at the same rate as the valuable land in the neighbourhood, and that, avowedly, as a penalty upon him for the non-settlement of land which, in the nature of things, it is impossible for him to settle for many years to come.

A writer in a P. E. Island Newspaper—the *Colonial Advocate*, of the 29th April, 1837—in an article which advocates the Escheat of the lands, and censures, with much asperity, the abandonment of that measure, makes the following observation upon the Land Assessment Act, then under consideration in the House of Assembly, and which evinces the knowledge that party has of the effect of this measure. He says—'the Escheat of the forfeited lands has been called by some of the turn-about members (who lately supported it) wholesale robbery! The House of Assembly are about to pass a Law, to impose a tax of 4s. per 100 acres on wilderness land—What should this be called? If this is not worse than Escheat, we are much deceived in our view of the change of measures; for if a Court of Escheat went into operation, Government, after its repeated indulgences, must, in justice, give the Proprietors remuneration for their land. But this Bill would ruin some of the monopolists by piecemeal, because they would have to pay about £40 per Lot, when their rents were not half that sum.' This shews that the party are aware that the present measure is a virtual confiscation, although in disguise; and while the parties represented by the writer ac-



## APPENDIX (A.)

knowledge with thankfulness the firmness with which the Home Government has withstood the clamour for a direct escheat or forfeiture of the lands, they rely with confidence upon the same Government not permitting that to be done indirectly which they have declared unfit to be done by direct means.

It should also be remembered, when a tax is imposed for the avowed purpose of operating as a penalty upon non-settlement, and in order to work a forfeiture of wilderness land, that the title to such land may be in litigation; and it cannot be expected that the contending parties will, before their right is decided, embark capital in the settlement and cultivation of the land. Large tracts of land may also be in settlement, and the parties entitled may be *infant children*, yet no exception is made in favour of lands thus situated.

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### *Note referred to in Section 1.*

A particular instance of the enormities here charged, against the authorities of those days, may be mentioned. Mr. Hill, one of the Proprietors resident in England, had originally concurred, with a few others, in complaints to the Home Government, of the conduct of the Governor, Chief Justice, Attorney General, and other Public Officers; but disapproving of the manner in which the majority of such complainants were disposed to bring their grievances before the Government, he withdrew from the matter at an early stage. The complaints at that time failed, and the Chief Justice brought an action against one of the complainants, who happened to be on the Island, for libels alleged to be contained in the proceedings at home, and recovered damages, which the defendant was unable to pay. The Chief Justice then suggested to him, that he should bring an action against Mr. Hill in the Island Court, to be tried before himself, for contribution (contribution between wrong doers or supposed wrong doers!!!) and promised him a Verdict, which Verdict would enable him to pay the Chief Justice at Mr. Hill's cost. Such verdict was accordingly obtained, in the absence of Mr. Hill in England, in the winter season, when all communication was cut off; and before he knew any thing of it, his chattel property on the Island, valued at £5000, was seized, and sold by the Sheriff for about £1,200. Against this iniquitous judgment, Mr. Hill, as soon as he heard of it, appealed to the King in Council. It is unnecessary to say, that judgment was reversed; but the reversal availed him nothing, for his antagonist then went into the *Gazette*, and Mr. Hill never got back one shilling!! In such a state of society, who could be expected to have the courage to invest money in the improvement of Land?

## Comparative View of the Extent and Population of the British North American Colonies.

| PROVINCES.       | Superficies<br>of<br>the Land, in<br>Square<br>Statute Miles. | Superficies<br>of the Land,<br>in<br>Statute Acres. | Average num-<br>ber of Acres<br>under<br>Cultivation. | POPULATION. | Number of<br>Acres to<br>each person<br>in each<br>Province. | No. of In-<br>habitants<br>to a square<br>mile in each<br>Province. | Proportion of the<br>No. of acres un-<br>der cultivation to<br>the whole quan-<br>tity in each<br>Province. | REMARKS.                                                                                                                                             |
|------------------|---------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------|-------------|--------------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 New Brunswick. | 26,704                                                        | 17,099,560                                          | 410,000                                               | 93,700      | 182                                                          | 3½                                                                  | 1-42                                                                                                        | According to Mr. Baillie, the Surveyor General of New Brunswick, the No. of acres in that Province are 16,500,000 and the No. of inhabitants 74,000. |
| 2 Nova Scotia.   | 14,031                                                        | 8,979,200                                           | 700,000                                               | 139,334     | 64                                                           | 9                                                                   | 1-13                                                                                                        |                                                                                                                                                      |
| 3 Cape Breton.   | 3,125                                                         | 2,000,000                                           | 85,000                                                | 28,802      | 70                                                           | 9 1-5                                                               | 1-24                                                                                                        | Mr. Bouchette states the population of Cape Breton as here given; but it should have been only 18,700, according to the last Census.                 |
| 4 P. E. Island.  | 2,134                                                         | 1,366,000                                           | 189,000                                               | 32,292      | 42                                                           | 15                                                                  | 1-7                                                                                                         |                                                                                                                                                      |
| 5 Newfoundland.  | 35,923                                                        | 22,990,720                                          | 240,000                                               | 75,900      | 303                                                          | 2                                                                   | 1-100                                                                                                       |                                                                                                                                                      |
| 6 Upper Canada.  | 95,125                                                        | 60,880,000                                          | 1,250,000                                             | 220,000     | 295                                                          | 2½                                                                  | 1-48                                                                                                        |                                                                                                                                                      |
| 7 Lower Canada.  | 205,863                                                       | 131,752,320                                         | 3,500,000                                             | 561,051     | 235                                                          | 2¾                                                                  | 1-38                                                                                                        |                                                                                                                                                      |

1. See an Account of New Brunswick, by Thomas Baillie, Esq. Surveyor General, pages 4 and 127.
2. See Captain Moorsom's Letters from Nova Scotia, page 176. Captain Moorsom's estimate will be confirmed by calculating the Area from the Map of New Brunswick and Nova Scotia, by T. Wyld, Charing Cross. For the population, including Cape Breton, see Letters on the British North American Colonies, by George R. Young, Esq., page 120. In Marshall's Tables, page 221, the Population of Nova Scotia, including Cape Breton, is only put at 142,548.
3. The Area and Population of Cape Breton are taken from a Map of the British Colonial Possessions, published July, 1829, by J. Wyld, Charing Cross.
4. The Area of Prince Edward Island is taken from the Map by Captain Holland, late Surveyor General, and the Population from the Census taken by authority in the year 1833.
5. The Area and Population of Newfoundland was taken from a Map of the British Colonial Possessions, published in 1829, by T. Wyld, Charing Cross. In Marshall's Tables, page 218, the Population is stated to be 60,088; and in page 221, the Population is put at 58,088 only.
6. The Area and Population of Upper Canada are taken from the Map published by T. Wyld, Charing Cross, in 1829.
7. The Area and Population of Lower Canada are taken from the same Map.

The above Tables and Authorities, with some slight differences, and with the exception of the column shewing the average number of acres under cultivation, and the last column, appeared in the *Charlottetown Royal Gazette* of the 18th July, 1837. The additional columns, and the general calculations here given, are taken from similar Tables in Bouchette's *North American Colonies*, vol. 2, page 235; Lond. 1831. Bouchette states the Population of Prince Edward Island at 50,700, giving only 27 acres to each person, and 23½ persons to each square mile; but this is an over statement. According to the last Census, taken in 1833, which has been followed in the above Table, the Population was 32,292, giving 42 acres to each person, and 15 inhabitants to each square mile. The present population is supposed to be about 40,000. In 1827, it was only 23,266, and by 1833, had increased 9,026—that is, about 40 per cent. in six years.





# APPENDIX

## [B.]

### *First Report of the Visiter appointed to inspect the District Schools throughout the Island.*

*To the Members of the Board of Education, Charlottetown.*

GENTLEMEN,

IN laying this my first Report before your Board, I deem it altogether unnecessary for me to offer any remarks upon the value and importance of Education in all countries, and among all classes of the community. Without education man is altogether unable, not only to fill any respectable station in society, but even to discharge aright the most ordinary duties of life. This is, indeed, now, so universally felt and acknowledged, that it becomes an object of every parent's first care and ambition, to have this blessing imparted to his children.

Though various laws have been enacted from time to time by the Legislature of this Island, for the regulation of Schools, and considerable sums of money have been appropriated for their encouragement, I regret to have it to state, from recent personal observation, that the system of instruction pursued in many of the country schools throughout the Island is extremely defective, and consequently but little really useful and substantial knowledge is acquired by the children attending them.

This appears to me to arise from several causes; some of these perhaps unavoidable in a new country like this. In many of the settlements, the inhabitants are poor—and having to struggle with numerous difficulties in procuring the means of subsistence for their families, the education of their children is with them an object of mere secondary consideration. And even when they do turn their attention to this important object, they are not (generally speaking) very scrupulous in the selection of their teachers, satisfying themselves with the common idea, that it is better to have any teacher than none at all.

The little encouragement which is in most cases held out to teachers of character and qualification, and the precarious manner in which their salaries are paid, operate most powerfully as a bar in the way of the advancement of education. Hence it too frequently happens that it is only persons of shipwrecked character, and blasted prospects in life, after every other resource has failed them, who take up the important office of Schoolmaster; and hence also the frequent changing of the teacher; the long lapse of time that takes place after the expiration of the engagement of the old, before a new one is appointed; in consequence of which the children nearly forget what they had previously acquired.

The migratory character of the schools, or the shifting of them from place to place, has, in my opinion, another injurious effect upon the progress of education. From this cause it happens, that after the children have made considerable proficiency, their career is stopped all at once by the removal of the school to another part of the district, where the population has recently become more dense; and then the former locality is completely deserted; the settlers immediately around it being unable, without the co-operation of their more distant neighbours, to secure the continuance of the school.

The irregular attendance of the children at school, in many instances, where their parents keep them at home to work, during the busy season of the year, tends seriously to retard their own improvement, and acts as a drawback upon the diligence and efficiency of the teacher.

I must also mention another practice which is too prevalent in the country, and which, I conceive, to be exceedingly injurious to the respectability of the teacher in the eyes of his pupils, and consequently hurtful to his usefulness—that is, receiving his board by going about from house to house; in which case, he is regarded, both by parents and children, as little better than a common menial; and from the familiarity which must necessarily subsist between himself and the family, he cannot exercise that authority over his pupils, which is indispensably necessary for a teacher to maintain.

## APPENDIX (B.)

The want of a uniform method of teaching, of a regular supply of school books, together with the defective accommodations provided for schools, are other causes which very much retard the advancement of education on the Island.

Since the last quarterly meeting of your Board, I have been engaged, with little intermission, in visiting and examining all the schools taught throughout the Island, whether under the operation of the School Act or not. The number of these, and of the children attending them, is as follows:

|                    | SCHOOLS. | SCHOLARS. |
|--------------------|----------|-----------|
| In Queen's County, | 21       | 624       |
| " King's County,   | 15       | 490       |
| " Prince County,   | 15       | 535       |
|                    | —        | —         |
| Total              | 51       | 1649      |

In the Appendix to this Report, I have submitted a detailed account of the state of each of these Schools; the method of instruction pursued by the teachers; the branches taught, and the proficiency made by the scholars. From this will be observable the many faults and errors I had occasion to remark in the majority of the Schools, whether arising from ignorance, inexperience in teaching, or want of a proper method of instruction. It is not necessary for me to comment any further upon these topics, but I may be allowed to indulge the hope, that the unfavourable description which I felt it incumbent upon me to give of these schools, will have the effect of causing the teachers to attend more diligently to their duties, and endeavour to qualify themselves more and more for the important office which they have undertaken.

I have only to add, that wherever I met with any errors or deficiency in the method of instruction pursued by the teacher, I endeavoured to point them out and correct them. I have shewn the advantage of exciting among their scholars a spirit of emulation, and ambition to excel,—and the necessity of economizing their time, and attending to a "division of labour,"—matters so essential to be observed in teaching, from the complicated and varied nature of its details. While such, I regret to say, is the indifferent character of the greater number of our schools, it is due to several of the teachers to make favourable mention to your Board of their capacity, diligence, and strict attention to their duties, as displayed in the good order of their schools, and in the proficiency of their scholars.

Among the best Schools I have seen, I can mention the following:

W. H. Nelis, Bedeque;  
Donald Lamont, Elliot River;  
Archibald Mackenzie, Murray Harbour;  
Robert Robertson, St. Peter's Road;  
Malcolm Darrach, Dog River;  
John Mackinnon, Ellis River.

The Princetown School, taught by Sebastian Davidson, I have reason to believe, might be classed with the above; but it is to be regretted that but few of the children attended the examination—the busy season the harvest causing the absence from the school of the more advanced scholars.

At the East Point (King's County), is a school taught by a competent teacher, John Slattery, in which I met with the only Latin scholars taught in any school on the Island. I have reason to indulge the hope that there are several other deserving teachers, who, when they shall have enjoyed the benefit of suitable school books, and the operation of a more approved method of instruction, will afford me the pleasure of bringing them under the favourable notice of the Board at some future period.

As a serious obstacle to the advancement of the education of the country, I have already taken notice of the almost universal want of suitable books. Along with the class books which your Board may order for the use of Schools, I would beg leave to suggest the advantage of introducing into District Schools, some elementary works upon useful knowledge.

## APPENDIX (B.)

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Amid the variety of excellent works of this nature which are continually issuing from the press, it would not be difficult for your Board to make a selection; although I am aware that the limited sum of money at present placed at your disposal precludes the possibility of procuring anything like an adequate supply.

*Cheap* elementary works of an approved character, and embracing as much variety and accuracy of information as possible in a small compass, would, I humbly conceive, be, every way, best adapted for our schools, in their present state.

The advantage of an acquaintance with the following branches of education must, I am certain, be apparent to every person:

Ancient and Modern History;

General Knowledge;

Trade and Commerce;

Geography.

To which might be added, for the use of the more advanced scholars, Catechisms of  
Mental Philosophy and British Law.

In conclusion, I would earnestly call the attention of the Trustees of schools to the important duties which the law, as well as their own immediate interests, imposes upon them—to take care that the school be properly conducted; that the requisite conveniences, such as suitable school-houses, desks, seats, firewood, &c. be provided—that the children be at stated periods regularly examined, so that their progress may be seen; and that the teacher be not careless or remiss in the discharge of his duties—to be strict and conscientious in not giving a certificate of sobriety and good conduct to any teacher, but such as really deserves it—for when Trustees neglect their duty in this respect, all the enactments of our Legislature requiring good conduct on the part of the teacher, will be rendered nugatory.

If a remedy were applied to these evils and abuses which I have endeavoured to enumerate, as tending to impede the advancement of education, our schools would assume a healthy and flourishing appearance; and our native youth, who are remarkable for quickness of apprehension, and capacity to learn, would prove a credit to themselves and their teachers, and an honour to the land which gave them birth.

I have the honor to be, gentlemen,

Your obedient humble servant,

JOHN MACNEILL,

Visiter of District Schools.

October 26th, 1837.

# APPENDIX (B.)

List of Teachers in the Island—the number of Scholars, as examined by the Visiter; and the average number attending daily at the Schools, as given by the Teachers, with the Books required for each School—October, 1837.

## QUEEN'S COUNTY.

| TEACHERS.              | No. Examined. | No. on the Teacher's List. | Books required. |                 |              |              |
|------------------------|---------------|----------------------------|-----------------|-----------------|--------------|--------------|
|                        |               |                            | Readers.        | Spelling books. | First Books. | Arithmetics. |
| Malcolm Darrach,       | 35            | 46                         | 14              | 24              | 12           | 16           |
| Donald Lamont,         | 22            | 30                         | 12              | 12              | 6            | 6            |
| Donald Shaw,           | 9             | 27                         | 6               | 12              | 6            | 3            |
| Archibald M'Kinnon,    | 33            | 57                         | 24              | 12              | 9            | 9            |
| Robert Robertson,      | 18            | 32                         | 12              | 18              | 6            | 8            |
| — Butler,              | 16            | 30                         | 18              | 12              | 6            | 6            |
| Michael M'Carthy,      | 37            | 37                         | 24              | 20              | 10           | 6            |
| John Le Page,          | 17            | 27                         | 12              | 12              | 6            | 5            |
| John M'Kinnon,         | 47            | 47                         | 6               | 10              | 9            | 7            |
| Neil M'Kinnon, Absent, |               |                            |                 |                 |              |              |
| Alexander M'Cabe, do.  |               |                            |                 |                 |              |              |
| J. R. Bott,            | 9             | 11                         | 6               | 6               | 3            | 3            |
| Robert Small,          | 6             | 28                         | 12              | 12              | 6            | 9            |
| H. D. Tyson,           | 17            | 20                         | 9               | 8               | 4            | 5            |
| Thomas Henessey,       | 11            | 18                         | 8               | 8               | 6            | 3            |
| James Reid,            | 12            | 34                         | 18              | 18              | 12           | 12           |
| Neil Arbuckle, Absent, |               |                            |                 |                 |              |              |
| Charles M'Eachern,     | 27            | 30                         | 24              | 12              | 12           | 12           |
| Donald Graham, Absent, |               |                            |                 |                 |              |              |
| — Burhoe,              | 7             | 25                         | 10              | 15              | 6            | 6            |
| Allan Stewart, Absent. |               |                            |                 |                 |              |              |
| 21 Schools,            | 285           | 499                        | 215             | 221             | 119          | 116          |

## PRINCE COUNTY.

|                     |     |     |                    |     |     |    |
|---------------------|-----|-----|--------------------|-----|-----|----|
| Henry Lecky,        | 17  | 50  | 24                 | 18  | 6   | 6  |
| Donald M'Kinnon,    | 20  | 47  | 18                 | 12  | 9   | 9  |
| Thomas Crowe,       | 10  | 45  | 18                 | 18  | 9   | 6  |
| W. H. Nelis,        | 28  | 35  | 12                 | 12  | 12  | 12 |
| James R. Downing,   | 10  | 15  | 6                  | 12  | 6   | 3  |
| John Ross,          | 10  | 30  | 12                 | 8   | 9   | 6  |
| Sebastian Davidson, | 18  | 50  | 24                 | 24  | 12  | 12 |
| Edward Brenan,      | 17  | 33  | 18                 | 18  | 6   | 6  |
| Thomas Collins,     | 9   | 30  | 12                 | 12  | 12  | 6  |
| Robert B. Stubbs,   | —   | 45  | 10                 | 10  | 6   | 6  |
| J. P. Sherlock,     | —   | 50  | At present vacant. |     |     |    |
| John M'Kinnon,      | 17  | 30  | 12                 | 9   | 8   | 9  |
| A. C. Bickford,     | 22  | 30  | 12                 | 9   | 6   | 8  |
| Ephraim Laird,      | 5   | 15  | 6                  | 6   | 12  | 4  |
| John Ronayne,       | 25  | 30  | 24                 | 12  | 18  | 6  |
| 15 Schools,         | 158 | 535 | 198                | 170 | 125 | 98 |

## KING'S COUNTY.

| TEACHERS.           | No. Examined. | No. on the Teacher's List. | Books required. |                 |              |              |
|---------------------|---------------|----------------------------|-----------------|-----------------|--------------|--------------|
|                     |               |                            | Readers.        | Spelling books. | First Books. | Arithmetics. |
| Pierce Ryan,        | 27            | 30                         | 14              | 6               | 6            | 6            |
| Archibald M'Kenzie, | 45            | 45                         | 18              | 16              | 6            | 10           |
| John M'Millan,      | 32            | 50                         | 12              | 10              | 6            | 5            |
| Edmund Shea,        | 15            | 21                         | 12              | 12              | 6            | 6            |
| John M'Neil,        | 35            | 30                         | 24              | 12              | 6            | 8            |
| Michael Dunn,       | 30            | 30                         | 18              | 18              | 12           | 6            |
| Donald Mackay,      | 13            | 15                         | 12              | 8               | 6            | 6            |
| M. Anderson,        | 15            | 15                         | —               | —               | —            | —            |
| Patrick Deverichs,  | 4             | 10                         | —               | —               | —            | —            |
| John Slaterry,      | 30            | 34                         | 20              | 20              | 6            | 8            |
| Donald Macdonald,   | 9             | 25                         | 12              | 12              | 4            | 8            |
| William M'Kenzie,   | 21            | 28                         | 24              | 18              | 12           | 6            |
| Thomas Bambrick,    | 25            | 35                         | 30              | 18              | 12           | 6            |
| Thomas Walsh,       | 26            | 26                         | 24              | 12              | 6            | 6            |
| Daniel Scott,       | 22            | 25                         | 12              | 6               | 6            | 6            |
| 15 Schools,         | 349           | 419                        | 232             | 168             | 94           | 81           |

As appears from the above, there are in

|                 | SCHOOLS. | SCHOLARS |
|-----------------|----------|----------|
| Queen's County, | 21       | 624*     |
| Prince County,  | 15       | 535      |
| King's County,  | 15       | 419      |
| Total,          | 51       | 1,649    |

And the Books required for these Schools are 645 Readers, 559 Spelling Books, 338 First Books, and 290 Arithmetics.

\*In Queen's County, the five Schools, the teachers of which were absent, contain, on an average, 25 scholars each, making a total of 624 in the County.

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**JOURNAL**

OF THE

**LEGISLATIVE COUNCIL**

OF

**Prince Edward Island.**

ANNO SECUNDO VICTORIÆ REGINÆ.

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**FIRST SESSION OF THE FIFTEENTH GENERAL ASSEMBLY.**

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**CHARLOTTETOWN:**

**PRINTED BY JAMES DOUGLAS HASZARD, PRINTER TO THE QUEEN'S MOST  
EXCELLENT MAJESTY.**

**1839.**





BY HIS EXCELLENCY

**SIR CHARLES AUGUSTUS FITZ ROY, K. H.,**

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and C. A. FITZ ROY. Ordinary of the same, &c. &c. &c.

## A P R O C L A M A T I O N .

**WHEREAS** the General Assembly of this Island stands prorogued until Thursday the Twenty-seventh day of September, instant:

I have thought fit to **DISSOLVE** the said General Assembly, and the same is hereby Dissolved accordingly.

And I do hereby give Notice to the several Members for the Counties and Towns and Royalties within the said Island, that they are discharged from further attendance in the said General Assembly.

And I do further declare that I have this day given orders that Writs for calling a new General Assembly be issued in due form; the said Writs to be bear Teste on Wednesday the Twenty-sixth inst. and be Returnable on Monday the Tenth day of December next.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Twenty-fourth day of September, in the year of our Lord One thousand eight hundred and thirty-eight, and in the Second year of Her Majesty's Reign.

By Command,

J. P. COLLINS, Colonial Secretary.

*GOD SAVE THE QUEEN.*

---

BY HIS EXCELLENCY

**SIR CHARLES AUGUSTUS FITZ ROY, K. H.**

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and C. A. FITZ ROY. Ordinary of the same, &c. &c. &c.

## A P R O C L A M A T I O N .

**WHEREAS** the Writs for Electing Members to serve in General Assembly for the several Counties, and Towns and Royalties in this Island, are returnable on Monday the 10th day of December, instant:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued until **TUESDAY**, the **TWENTY-SECOND** day of **JANUARY**, 1839, then to meet **FOR THE DISPATCH OF BUSINESS**—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Fourth day of December, in the year of our Lord One thousand eight hundred and thirty-eight, and in the second year of Her Majesty's Reign.

By his Excellency's Command,

J. P. COLLINS, Colonial Secretary.

*GOD SAVE THE QUEEN.*



**JOURNAL**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF  
**PRINCE EDWARD ISLAND.**

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**TUESDAY, January 22d, 1839.**

In pursuance of the foregoing Proclamations, the Legislative Council met.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**H**IS Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to inform the House of Assembly, that it is His Excellency's pleasure that they do attend him in the Council Chamber instantler; and the Members present having appeared at the Bar, the President of the Council addressed them as follows:

Gentlemen,

I am commanded by His Excellency the Lieutenant Governor to acquaint you, that His Excellency does not intend to declare the cause of calling this General Assembly until there be a Speaker of the House of Assembly; and therefore you, Gentlemen of the House of Assembly, are to repair to the place where the House of Assembly usually meet, and there proceed to the election of a Speaker, whom you are to present to His Excellency here immediately for his approval.

The Gentlemen of the House of Assembly then withdrew, and in a short time returned, when William Cooper, Esq. addressed His Excellency, and stated, that, agreeably to His Excellency's commands, the House of Assembly had proceeded to the election of a Speaker, and that their choice had fallen upon him.

The President of the Council then addressed the House of Assembly as follows:

Gentlemen,

I am commanded by His Excellency the Lieutenant Governor to say, that His Excellency approves of the Speaker which the House of Assembly have chosen.



The Speaker then addressed His Excellency as follows:

May it please your Excellency;

As you have been pleased to approve of the choice of the House of Assembly, in appointing me to be their Speaker, it now becomes my duty, as such, to request of your Excellency as the privilege of the House; that the Members thereof during the Session may be freed from arrest—that they may have freedom of speech in their debates, and have free access to your Excellency on all occasions; and I do also, in their name and behalf, beg leave to claim all their ancient rights and privileges.

Then the President of the Council replied in the following words:

Mr. Speaker,

I am commanded by His Excellency the Lieutenant Governor to say, that His Excellency most cheerfully grants your request, conformably to ancient usage, the Laws of the land, and the Royal Instructions.

His Excellency was then pleased to open the Session with the following Speech:—

*Mr. President, and Gentlemen of the Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

The General Assembly being limited by law to a duration of four years, and that period having nearly expired, I caused the late House to be dissolved, and writs to be issued for the new Elections, at that season which I conceived would be most convenient to the constituency. I have now called you together for the dispatch of public business when I believe you can best be spared from your private avocations.

I have great pleasure in congratulating you on the abundance which prevails throughout the Colony in consequence of the late plentiful harvest, and on the effect it has had in so materially increasing the Exports of Agricultural Produce.

I have also much satisfaction in announcing to you that, notwithstanding the reduction of Duty on certain articles of Import, which the House of Assembly deemed it expedient to make in the last Session, the Revenue still exhibits an increase over that of the preceding year.

I have received several Despatches from Her Majesty's Government on various subjects of general and local importance, the substance of which I shall take an early opportunity of laying before you: among them, is one containing the decision of the Crown on the subject of the Fishery Reserves. Upon all other matters which I may from time to time deem essential to the public interests, I shall communicate with you by Message.

The recent establishment of Georgetown as a Free Port is a measure which I trust will add to the commercial prosperity of the Eastern Districts.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I shall cause the Public Accounts for the past year to be laid before you at the earliest possible period; and in submitting the Estimates for the current year, I entertain no doubt that you will make such provision to meet them as the Public Service may require.

*Mr. President, and Gentlemen of the Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

As it is obvious that the interests of the Colony can only be advanced when a spirit of cordiality is preserved between the different branches of the Legislature, I rely with confidence on the continuance of that harmony which has hitherto marked their proceedings. For myself, I beg to assure you of my ready co-operation in every measure calculated to promote the improvement and welfare of the Colony.

The Speech being ended, and the House of Assembly having withdrawn, His Excellency was pleased to retire. The President then reported His Excellency's Speech, which being read by the Clerk—

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, to return the thanks of this House for his Speech delivered this day.

*Ordered*, That *Mr. Haviland*, *Mr. Brecken* and *Mr. Smith* be a Committee to prepare a draft, pursuant to the above Resolution.

On motion, *Ordered*, that *Mr. Haviland*, *Mr. Brecken* and *Mr. Goodman* be a Committee to revise the Journals of this House each day.

On motion, *Ordered*, that *Mr. Wright* and *Mr. Attorney General* be a Committee to examine into and report upon such Laws as are near expiring.

On motion, *Ordered*, That the Reverend Louis Charles Jenkins be appointed Chaplain, and that he be requested to attend the Council to-morrow at Ten o'clock, and each succeeding day during the Session, for the purpose of reading Prayers.

His Excellency the Lieutenant Governor requiring the personal attendance of J. P. Collins, Esq. Clerk of the Council, Mr. Charles Desbrisay was appointed to act as Clerk during the present Session; and having taken the Oath of Allegiance, and also the Oath of Office, took his seat accordingly.

On motion, *Ordered*, That John Rider be appointed Messenger to this House.

*Ordered*, That Moses Hayes be appointed Doorkeeper to this House.

On motion, *Ordered*, that *Mr. James D. Haszard*, Queen's Printer, be appointed to print the Journals of this House, and that the same be printed daily, and that he do print One hundred copies thereof.

Adjourned until Ten o'clock to-morrow.

## WEDNESDAY, January 23d, 1839.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President:

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

### PRAYERS.

**R**EAD the proceedings of yesterday.

**Mr. Brecken**, from the Committee appointed to prepare an Address in answer to His Excellency's Speech, reported, that they had prepared a draft of the same, which was read.

On motion, the House resolved itself into a Committee of the whole, to take the same into consideration.

**Mr. Brecken** took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Address, and agreed to the same, with several amendments.

*Ordered*, That the Report of the Committee be agreed to, and that the Address be engrossed; and the same was read, and is as follows:

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral, and Ordinary of the same, &c. &c. &c.*

May it please your Excellency;

We the Members of Her Majesty's Council, in our Legislative capacity convened, request that your Excellency will be pleased to receive our thanks for the Speech delivered by you at the opening of the present Session of the General Assembly. In the administration of the Government of this Colony, your Excellency has upon all occasions evinced an anxious desire to consult the best interests of the people over whom you have been called to preside, and the consideration for our convenience which has induced your Excellency to call us together for the performance of our public duties, at a season when we can best be spared from our private avocations, is an additional proof of your wish to render those duties as light as possible.

We have reason to be thankful to an all bountiful Providence for the late plentiful harvest; and whilst abundance prevails it is most satisfactory to learn that the exports of the surplus produce of the soil have materially increased. The reduction of duty upon particular articles of Import which was made in the last Session of the Assembly, it was apprehended would sensibly affect the receipts of the past year; it is therefore most gratifying to learn from your Excellency that the Revenue still exhibits an increase over that of the former year, as it leads to the pleasing conviction that the resources of the Colony are rapidly improving.

We shall be much gratified to receive any communications affecting the local and general interests of the Colony, which your Excellency may deem necessary to lay before us; and we beg to assure you that all such matters shall receive from us our respectful and undivided attention.

We trust that the recent establishment of Georgetown as a Free Port will be productive of those advantages to the commercial enterprise of the Eastern Districts of the Colony, which may be anticipated from such a measure, and that it will encourage those facilities to foreign intercourse for which the harbour of Georgetown is so eminently adapted.

We fully agree with your Excellency that the interests of the Colony can only be advanced when a spirit of cordiality is preserved between the different branches of the Legislature; and we earnestly hope that the same unanimity which has hitherto marked their proceedings will continue to govern them throughout the present Session.

The assurance of your Excellency's co-operation in all measures which have for their object the public welfare, gives us confidence that our united efforts to promote the interests of the Colony, will not prove unavailing.

On motion, *Ordered*, That the said Address be presented to His Excellency by the whole House.

On motion, Ordered, That a Committee, consisting of Mr. *Brecken* and Mr. *Smith*, do wait upon His Excellency, to know at what time His Excellency will be pleased to receive the said Address, who returning, reported, that they had waited on His Excellency, and that he was pleased to say, that he would receive the Address on Saturday next, at One o'clock.

Adjourned until One o'clock to-morrow.

## THURSDAY, 24th January, 1839.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Colonel Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Palmer.

In the House of Assembly,

Wednesday, 24th January, 1839.

*Resolved*, That a Committee be appointed to keep up a good correspondence between the two branches of the Legislature, and to report their proceedings, from time to time, with power to send for persons, papers and records.

Ordered, That Mr. Palmer, Mr. Clark, Mr. Dalziel and Mr. Montgomery do compose the said Committee.

Ordered, That the said Resolution be communicated by Message to the Legislative Council.

On motion, Ordered, That a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two branches of the Legislature, and to report their proceedings, from time to time, with power to send for persons, papers and records.

Ordered, That *Colonel Lane* and *Mr. Attorney General* do compose the said Committee.

Ordered, That the said Resolution be communicated by Message to the House of Assembly.

Adjourned until One o'clock to-morrow.

## FRIDAY, 25th January, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*.

*Mr. Haviland*,

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, 26th January, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**T**HE Council adjourned to wait upon His Excellency with their Address; and being again met, the President reported, that the House had presented their Address, and that His Excellency had been pleased to return the following answer:

*Mr. President, and Gentlemen of the Council;*

I beg to return you my best thanks for this Address, and I avail myself of this opportunity to acknowledge that in any efforts which I have made to forward the interests of this Colony, I am much indebted to the Members of Her Majesty's Council, for the constant assistance and faithful advice which I have received from them.

Adjourned until One o'clock on Monday next.

**MONDAY, 28th January, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of Saturday.

Three Messages from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

[FIRST MESSAGE.]

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, for their information, copies of Five Despatches from the Right Honorable Lord Glenelg, containing Orders of Her Majesty in Council, specially confirming and leaving to their operation, the several Acts passed by the Legislature therein enumerated.

Government House, 28th January, 1839.

List of Papers accompanying the said Message:

Copies of

- No. 1. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 28th February, 1838.
2. Order of Her Majesty in Council, dated 15th February, 1838.
3. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 28th May, 1838.
4. Order of Her Majesty in Council, dated 15th May, 1838.
5. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 5th July, 1838.
6. Order of Her Majesty in Council, dated 20th June, 1838.
7. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 31st July, 1838.
8. Order of Her Majesty in Council, dated 30th July, 1838.
9. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 3d December, 1838.
10. Order of Her Majesty in Council, dated 29th November, 1838.

The said Message and Papers were read, and ordered to lie on the Table.

[Vide Appendix (A.) No. 1 to 10.]

## [SECOND MESSAGE.]

**C. A. FITZ ROY, Lieutenant Governor.**

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honorable Lord Glenelg, dated the 30th of May last, stating that Her Majesty had been pleased to receive very graciously, the joint Address of congratulation from the Council and House of Assembly of this Island; and conveying Her Majesty's satisfaction at the attachment to her Person and Government, therein expressed.

Government House, 28th January, 1839.

Paper accompanying the said Message:

Copy Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 30th May, 1838.

The said Message and Despatch was read, and ordered to lie on the table.

Vide Appendix (B.)

## [THIRD MESSAGE.]

**C. A. FITZ ROY, Lieutenant Governor.**

The Lieutenant Governor lays before the Legislative Council, for their information and guidance, the copy of a Despatch from the Right Honorable Lord Glenelg, dated 3d December last, conveying Her Majesty's commands on the appropriation of the proceeds of the Glebe and School Lands, sold under the Colonial Act 5th Will. 4, cap. 13.

Government House, 5th January, 1839.

List of Papers accompanying the said Message:

Copies of

- No. 1. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 3d December, 1838.
2. Letter from the Bishop of Nova Scotia, to Lord Glenelg, dated 23d July, 1838.
3. Anonymous Letter, addressed to the Bishop of Nova Scotia, dated Charlottetown, 3d May, 1838.
4. Letter from the Bishop of Nova Scotia to Lord Glenelg, dated 29th July, 1838.
5. Opinion of the Queen's Advocate, the Attorney General, and Solicitor General, dated 1st November, 1838.

The said Message and Papers were read and ordered to lie on the Table.

[Vide Appendix (C.) No. 1 to No. 5.]

Adjourned until Ten o'clock to-morrow.

**TUESDAY, 29th January, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, copies of several Despatches on the subject of the Fishery Reserves in this Island, adverted to in his Speech delivered at the opening of the present Session, and as it is the determination of Her Majesty's Government to throw open these Reserves to all British subjects engaging in the Fisheries, the Lieutenant Governor begs to suggest to the Legislative Council the propriety of their passing such Laws as may be deemed necessary "for preventing improvident and injurious practices in carrying them on," as recommended by Her Majesty's Secretary of State for the Colonies.

Government House, 29th January, 1839.

List of Papers accompanying the said Message:

Copies of

- No. 1. Despatch from Sir C. A. Fitz Roy, to Lord Glenelg, dated 8th January, 1838.
2. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 10th May, 1838.
3. Despatch from Sir C. A. Fitz Roy, to Lord Glenelg, dated 26th July, 1838.
4. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 14th September, 1838.
5. Return of the Reservations for carrying on a Fishery, contained in the original Grants of the several Townships in this Island.

Vide Appendix (D.) No. 1 to 5.

The said Message and Papers were read, and ordered to lie on the table.

*Mr. Attorney General*, from the Committee appointed to examine into, and report upon the Expiring Laws, reported as follows, viz:

The following Acts, passed in the Fifth year of the Reign of His late Majesty King George the Fourth, and continued for a limited period by an Act passed in the Ninth year of the same Reign, intituled 'An Act for continuing several Laws near expiring,' will expire the last day of the present Session, viz:



‘ An Act to regulate the Fisheries of this Island.’

‘ An Act to amend certain parts of an Act, intituled An Act for preventing Trespasses by unruly Horses, Cattle and Sheep; and for preventing the running of Hogs at large through the Town of Charlottetown, by the appointment of Hog Reeves.’

‘ An Act to continue an Act, intituled ‘ An Act for regulating Juries, and for the declaring the qualification of Jurors.’

‘ An Act to prevent the Destruction of Sheep by Dogs.’

The Act, 1 Victoria, cap. 17, intituled ‘ An Act to continue for one Year, and to amend an Act passed in the the Seventh year of His late Majesty’s reign, intituled *An Act for the Increase of the Revenue of this Island*,’ will expire on the 7th April, 1839.

The Act, 7 Will. 4th, cap. 27, intituled ‘ An Act to continue an Act for regulating the Weight and Quality of Bread within the Town and Royalty of Charlottetown,’ will expire at the end of the present Session.

The Act, 7 Will. 4, cap. 25, intituled ‘ An Act to authorize the appointment of a Coal Meter for Charlottetown,’ will expire at the end of the present Session.

The Act, 4 Will. 4th, cap. 2, intituled ‘ An Act to provide against accidents by Fire, and for the Improvement of Property in Georgetown,’ will expire on the 18th April, 1839.

The Act, 3 Will. 4, cap. 37, intituled ‘ An Act to make and keep in repair the Pumps and Wells of Charlottetown, and for other purposes,’ will expire on the last day of the present Session.

The Act, 3d Will. 4, cap. 4, intituled ‘ An Act to continue an Act authorizing the formation of a Fire Engine Company for the Town of Charlottetown,’ will expire on the last day of the present Session.

The Act, 3 Will. 4, cap. 23, intituled ‘ An Act to empower the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required,’ will expire on the last day of the present Session.

The Act, 3 Will. 4, cap. 32, intituled ‘ An Act for the regulation of the Public Wharf of Charlottetown,’ will expire on the last day of the present Session.

The Act, 4 Will. 4, cap. 22, intituled ‘ An Act for levying a Light Duty on all Vessels clearing out at any of the Custom Houses in this Island,’ will expire on the last day of the present Session.

*Ordered*, That the said Report do lie on the Table.

A Message from the House of Assembly, by Mr. Longworth, with a Bill, intituled An Act to provide against the running at large of Hogs in the Streets and Squares of Charlottetown—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o’clock to-morrow.

**WEDNESDAY, 30th January, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President:

The Hon. *Mr. Wright*,  
*Colonel Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock to-morrow.

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**THURSDAY, 31st January, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**O**RDERED, That *Mr. Wright* and *Mr. Haviland* have leave to absent themselves to day.

Read a second time, the Bill, intituled 'An Act to provide against the running at large of Hogs in the Streets and Squares of Charlottetown.'

*Ordered*, That the said Bill be read a third time to-morrow.

Adjourned until One o'clock to-morrow.

**FRIDAY, 1st February, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Pursuant to Order, the Bill, intituled 'An Act to provide against the running at large of Hogs in the Streets and Squares of Charlottetown,' was read a third time.

*Ordered*, That the said Bill do pass.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until One o'clock to-morrow.

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**SATURDAY, 2d February, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*.

*Mr. Smith*.

*Mr. Goodman*.

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock on Monday next.

**MONDAY, 4th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Colonel Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

Adjourned until One o'clock to-morrow.

**TUESDAY, 5th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Colonel Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*.

PRAYERS.

**T**WO Messages from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

[FIRST MESSAGE.]

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honorable Lord Glenelg, dated the 15th of September last, suggesting several amendments to the Act passed last Session "for the regulation of the several Jails within this Island, and establishing Prison Discipline therein;" and transmitting, for the convenience of reference, a copy of the Imperial Act 4 Geo. 4, cap. 64.

The Lieutenant Governor also lays before the Council, for their information, copies of the Report of the Visiting Magistrates for the different Jails throughout the Island.

Government House, 3d February, 1839.

**List of Papers accompanying the said Message:**

Copies of

- No. 1. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 15th September, 1838, with Imperial Act, alluded to in His Excellency's Message.
2. Report of the Visitors of the Jail in Charlottetown, dated 30th April, 1838.
3. Do. do. dated 4th June, 1838.
4. Do. do. dated 1st January, 1839.
5. Report of the Visitors of the Jail in Georgetown, dated 31st August, 1838.
6. Do. do. dated 30th November, 1838.
7. Report of the Visitors of the Jail in St. Eleanor's, dated 1st October, 1838.
8. Do. do. dated 1st January, 1839.
9. Presentment of the Grand Jury, expressing their approval of the state of the Jail in Charlottetown, dated January 5th, 1839.

Vide Appendix (E.) No. 1 to 9.

The said Message and Papers were read, and ordered to lie on the table.

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**[SECOND MESSAGE.]**

**C. A. FITZ ROY, Lieutenant Governor.**

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honorable Lord Glenelg, stating, that it is the intention of Her Majesty's Government, to substitute Steam Packets for the sailing Vessels, now employed in the conveyance of the Mails between Great Britain and Halifax.

In submitting this matter to the consideration of the Council, the Lieutenant Governor is desired to invite their co-operation, as far as may depend on the Council, in improving the communication between this Island and Halifax, in order to the complete attainment of the advantages anticipated by Her Majesty's Government.

Government House, 4th February, 1839.

**Paper accompanying the said Message:**

Copy of Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 24th October, 1838.

Vide Appendix (F.)

The said Message and Despatch were read, and ordered to lie on the table.

**Adjourned until One o'clock to-morrow.**

**WEDNESDAY, 6th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President:

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, Ordered, that the Documents accompanying His Excellency the Lieutenant Governor's Message, received yesterday, relative to the Act for establishing Prison Discipline within this Island, be referred to a Committee, to examine the same, and report thereon, by Bill, or otherwise, with power to send for persons, papers and records.

Ordered, That *Mr. Haviland*, *Mr. Attorney General* and *Mr. Brecken*, do compose the said Committee.

Adjourned until One o'clock to-morrow.

**THURSDAY, 7th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Goodman*,

PRAYERS.

**R**EAD the proceedings of yesterday.

The President laid before the House, the Report of the Visiter appointed under the Act of the Legislature, for the encouragement and support of District and other Schools.

Vide Appendix (G.)

Ordered, That the said Report do lie on the Table.

Adjourned until One o'clock to-morrow.

**FRIDAY, 8th February, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*;

**PRAYERS.**

**R**EAD the proceedings of yesterday.

*Ordered*, That *Mr. Smith* have leave to absent himself to-day.

A Message from the House of Assembly, by *Mr. J. S. Macdonald*, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled 'An Act for the protection of Sheep against vicious Dogs.'

A Bill, intituled 'An Act for further continuing an Act, intituled *An Act to regulate the Fisheries of this Island*.'

A Bill, intituled 'An Act to further continue, for a limited period, an Act passed in the Fifty-ninth year of the reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualifications of Jurors*.'

Read the said Bills a first time.

A Message from the House of Assembly, by *Mr. Thomson*, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled 'An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire.'

A Bill, intituled 'An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island.'

A Bill, intituled 'An Act to authorize the appointment of Coal Meters for Charlotte-town.'

Read the said Bills a first time.

Adjourned until One o'clock to-morrow.

**SATURDAY, 9th February, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Read a second time the following Bills, viz:

A Bill, intituled "An Act for further continuing an Act, intituled *An Act to regulate the Fisheries of this Island.*"

A Bill, intituled "An Act to authorize the appointment of Coal Meters for Charlottetown."

On motion, the said Bills were read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Read a second time, the Bill, intituled "An Act for the protection of Sheep against vicious Dogs."

Read a second time, the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."

*Ordered*, That the said Bill be committed to a Committee of the whole House on Wednesday next.

Read a second time, the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire."

*Ordered*, That the said Bill be committed to a Committee of the whole House on Monday next.

Read a second time, the Bill, intituled "An Act to further continue, for a limited period, an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualification of Jurors.*"

Adjourned until One o'clock on Monday next.



**MONDAY, 11th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President:

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Saturday.

On motion, Ordered, That the Order of the Day, for the House in Committee, on the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire, be discharged, and that the same do stand as the Order of the day for to-morrow.

Adjourned until One o'clock to-morrow.

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**TUESDAY, 12th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Mr. Brecken*,

The Hon. *Mr. Smith*,

*Mr. Goodman*.

**O**N motion, Ordered, that the Order of the Day, for the House in Committee, on the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire, be further postponed until to-morrow.

Adjourned until One o'clock to-morrow.

**WEDNESDAY, 13th February, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Attorney General*,  
*Mr. Smith*,

The Hon. *Mr. Goodman*.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

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**THURSDAY, 14th February, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

**FRIDAY, 15th February, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

**PRAYERS.**

**P**URSUANT to Order, the House resolved itself into a Committee of the whole, on the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire."

*Mr. Attorney General* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

*Ordered*, That the Report of the Committee be agreed to.

*Ordered*, That *Mr. Haviland* and *Mr. Attorney General* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at Two o'clock.

A Message from the House of Assembly, by *Mr. Longworth*, with a Bill, intituled "An Act to continue for a limited period, three several Acts therein mentioned"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, *Ordered*, that the Order of the Day, for the House in Committee, on the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island," be discharged, and that the same do stand as the Order of the Day for to-morrow.

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, 16th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President:

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Palmer, with a Bill, intituled "An Act to continue and amend the Act regulating the Public Wharf of Charlottetown"—to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire," and have appointed Mr. Clark, Mr. Palmer, Mr. Le Lacheur and Mr. Dalziel, a Committee to manage the said Conference.

Thereupon the Committee went to the Conference, and having returned, reported, that they had complied with the instructions given them by the House.

Read a first time, the Bill, intituled "An Act to continue and amend the Act regulating the Public Wharf of Charlottetown."

Pursuant to Order, the House resolved itself into a Committee of the whole, on the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."

Mr. *Haviland* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Read a second time, the Bill, intituled "An Act to continue for a limited period, three several Acts therein mentioned."

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until One o'clock on Monday next.

## MONDAY, 18th February, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Saturday.

On motion, the House resolved itself into a Committee of the whole, on the Bill, intituled "An Act to further continue for a limited period, an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualification of Jurors.*"

*Mr. Attorney General* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and agreed to the same, with the following amendment.

*Folio 2, line 6*—After the word "hereof," insert the words "and from thence to the end of the then next Session of the General Assembly."

*Ordered*, That the Report of the Committee be agreed to, and that the amendment be engrossed.

Read a second time, the Bill, intituled "An Act to continue and amend the Act regulating the Public Wharf of Charlottetown."

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a third time, and passed, the Bill, intituled "An Act to further continue, for a limited period, an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualification of Jurors,*" with the amendment.

*Ordered*, That the said Bill, with the amendment, be sent down to the House of Assembly for their concurrence.

*Ordered*, That *Mr. Goodman* have leave to absent himself to-morrow.

Adjourned until One o'clock to-morrow.

**TUESDAY, 19th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

*PRAYERS.*

**R**EAD the proceedings of yesterday.

On motion, the House resolved itself into a Committee of the whole, on the Bill, intituled "An Act for the protection of Sheep against vicious Dogs."

*Mr. Goodman* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until One o'clock to-morrow.

**WEDNESDAY, 20th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

*PRAYERS.*

**R**EAD the proceedings of yesterday.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."

Mr. *Haviland* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had made some further progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled "An Act for the protection of Sheep against vicious Dogs."

Mr. *Goodman* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 1, line 6*—After the word "Sheep," insert "Lamb."

*Same folio, line 10*—After the word "and," insert "in case such Sheep or Lamb shall be killed by such Dog, then the Owner thereof."

*Same folio, line 12*—After the word "Lamb," insert "so killed."

*Folio 2, line 11*—After the word "killed," strike out the word "a," and insert "or injured any."

*Same folio, line 12*—After the word "Sheep," insert the word "Lamb."

*Folio 3, line 7*—After the word "Witness," strike out to the word "Island," inclusive.

*Same folio, line 11*—After the word "prowling," strike out "or strolling," and insert "within any Town-ship or Royalty in this Island."

*Same folio, last line*—Strike out the words "or strolling."

*Folio 4, line 17*—Strike out the words "or strolling."

*Ordered*, That the Report of the Committee be agreed to, and that the amendments be engrossed.

Adjourned until One o'clock to-morrow.

## THURSDAY, 21st February, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
Colonel Lane,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*,

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Arbuckle.

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject of the Public Accounts, and have appointed Mr. Arbuckle, Mr. Longworth, Mr. Palmer and Mr. J. S. Macdonald, a Committee to manage the said Conference.

On motion, Ordered, that a Conference be agreed to, as is desired by the House of Assembly.

Ordered, That Mr. Brecken and Mr. Goodman be a Committee to manage the said Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported, the substance thereof.

Read a third time, and passed, the Bill, intituled "An Act for the protection of Sheep against vicious Dogs," with the amendments.

Ordered, That the said Bill, with the amendments, be sent down to the House of Assembly for their concurrence.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."

Mr. Haviland took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same.

Ordered, That the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

Ordered, That the said Bill be sent down to the House of Assembly.

Ordered, That Mr. Wright have leave to absent himself for two-days.

Ordered, That Mr. Goodman have leave to absent himself to-morrow.

Adjourned until One o'clock to-morrow.



**FRIDAY, 22d February, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*.

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock to-morrow.

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**SATURDAY, 23d February, 1839.**

The following Members of Council met, viz:

The Hon. *Mr. Attorney General*,

*Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**T**HE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until One o'clock on Monday next.

**MONDAY, 25th February, 1839.**

The following Members of Council met, viz:

The HON. *Mr. Wright*,  
*Mr. Haviland*,  
*Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

**T**HE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until One o'clock to-morrow.

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**TUESDAY, 26th February, 1839.**

The following Members of Council met, viz:

The HON. *Mr. Wright*,  
*Mr. Haviland*,  
*Mr. Brecken*,  
*Mr. Goodman*.

**T**HE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until One o'clock to-morrow.

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**WEDNESDAY, 27th February, 1839.**

The following Members of Council met, viz:

The HON. *Mr. Wright*,  
*Mr. Goodman*.

**T**HE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until One o'clock to-morrow.

## THURSDAY, 28th February, 1839.

The following Members of Council met, viz:

The Hon. *Mr. Wright*,  
*Mr. Haviland*,  
*Mr. Brecken*,  
*Mr. Goodman*.

**T**HE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until One o'clock to-morrow.

## FRIDAY, 1st March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Mr. Haviland*,

The Hon. *Mr. Brecken*,  
*Mr. Goodman*.

**A** MESSAGE from the House of Assembly, by Mr. Arbuckle, with the following Bills, agreed to, as amended by the Legislative Council, viz:

A Bill, intituled "An Act to further continue, for a limited period, an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualification of Jurors.*"

A Bill, intituled "An Act for the protection of Sheep against vicious Dogs."

Also, with the following written Message:

The House of Assembly desire a further Conference with the Legislative Council, on the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire," and have appointed the same Committee who managed the former Conference, a Committee to manage this further Conference.

On motion, Ordered, That a further Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That *Mr. Haviland* and *Mr. Brecken* be a Committee to manage this further Conference, to meet in the Committee Room instant.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported, the substance thereof.

A Message from the House of Assembly, by Mr. Clark.

In the House of Assembly,

Friday, March 1st, 1839.

*Resolved*, That a Message be sent to the Legislative Council, praying their Honors will permit the Hon. Mr. Attorney General, one of their Members, to attend the Special Committee of the House of Assembly, appointed to inquire into the grievances which have agitated this Colony for some time past, with a view to provide a remedy, this day at Two o'clock, to be examined touching the matters to them referred.

*Ordered*, That Mr. *Attorney General* have leave to attend, as requested by the House of Assembly.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire."

Mr. *Haviland* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same.

*Ordered*, That the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

*Resolved*, That the following payments be made to the undermentioned Officers and Servants of this House, as a remuneration for their Services during the present Session, viz:—

The Rev. L. C. Jenkins, Chaplain to this House,	-	-	£15	0	0
John C. Wright, Esq. Usher of the Black Rod, at the rate per diem of			0	10	0
Clerk of the Legislative Council, at the rate per diem of			0	7	6 Stg.
John Rider, Messenger, at the rate per diem of	-	-	0	7	6
Moses Hayes, Doorkeeper, do.	-	-	0	6	6
Together with such incidental expences as may be certified by His					
Honor the President.					



**APPENDIX**

**TO THE**

**JOURNAL**

**OF THE**

**LEGISLATIVE COUNCIL**

**OF**

**PRINCE EDWARD ISLAND,**

**FOR THE SESSION COMMENCING THE TWENTY-SECOND DAY OF JANUARY, AND**  
**ENDING THE FIRST DAY OF MARCH.**

**1839.**



# APPENDIX

## [A.]

(SEE PAGE 11.)

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### No. 1.

No. 28.

[ COPY. ]

DOWNING STREET, 28th February, 1838.

SIR,

I have had under my consideration an Act passed by the Legislature of Prince Edward Island, No. 452, with a suspending clause, to enable the Proprietors of the Bank of British North America, to sue and be sued in the name of one of the local Directors or Managers.

Had the Act been strictly confined to its proposed object, I should not have hesitated in advising Her Majesty to confirm it. But at the end of one of its clauses is introduced, providing "that nothing in this Act, or in any other Act of the General Assembly of the Island, shall prevent the Company from issuing Notes under £5."

If the Law in Prince Edward Island be that Notes under £5 shall not be issued, this clause would give to this Company an exclusive privilege to which I should object, and at all events the introduction of a provision of this nature is entirely beyond the scope and object of the Bill, as declared in the Title. Her Majesty's Government entertain a strong objection to this provision, and but for the great importance which you state to be attached to the confirmation of this Act, would not have advised Her Majesty to confirm it until the clause in question had been repealed.

Unwilling, however, to occasion so much delay, as would thus be incurred, the Queen has been advised to sanction this Act, which Her Majesty has been pleased to do by the enclosed Order, passed on the 15th instant, and I have only to hope, that if the Law on this subject be as I have supposed it to be, the Company will lose no time in obtaining the repeal of the objectionable Clause.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

Lieutenant Governor Sir Charles A. Fitz Roy,

&c.      &c.      &c.

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### No. 2.

AT THE COURT AT BUCKINGHAM PALACE, THE 15th OF FEBRUARY, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Chancellor,

Lord President,

Lord Steward,

Lord Chamberlain,

Earl of Albermarle,

Earl of Minto,

Viscount Palmerston,

Viscount Melbourne,

Viscount Howick,

Sir John Hobhouse, Bart.

Whereas the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April, 1837, pass an Act, which has been transmitted, entitled as follows, viz:



## APPENDIX (A.)

No. 452—' An Act to enable the Proprietors or Shareholders of a Company called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Manager or Agent for the time being of the said Company in this Island.'

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Act should receive Her Majesty's special confirmation: Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act; and the same is hereby specially confirmed, ratified, and finally enacted accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

C. GREVILLE.

### No. 3.

No. 46.

[ COPY.]

DOWNING STREET, 28th May, 1838.

SIR,

I had the honor to receive on the 25th of April last, your Despatch, No. 9, of the 12th of March, transmitting an Act passed by the Legislative Council and Assembly of Prince Edward Island, (No. 484) on the 9th of March, for amending the Election Law of the Island.

Your Despatch stating the importance attached to the early confirmation of this Act, which had been suspended in its operation for the signification of Her Majesty's pleasure thereon, I lost no time in submitting it to the decision of the Queen in Council, and I have the honor to transmit to you an Order, passed by Her Majesty in Council, on the 15th instant, specially confirming the Act in question.

On the 21st instant, I received a Memorial stated to be from a Committee in Prince Edward Island, nominated by the Inhabitants to manage the proceedings, and to obtain an Escheat of the forfeited land, and praying that Her Majesty might be advised to withhold the Royal Assent from the above mentioned Bill. You will, however, perceive from what I have just stated, that this Memorial did not arrive until after the Bill had received Her Majesty's special confirmation, and you will have the goodness to explain these circumstances to the parties interested.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

Sir Charles A. Fitz Roy, &c. &c. &c.

### No. 4.

AT THE COURT AT BUCKINGHAM PALACE, THE 15th OF MAY, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

*Lord Chancellor,*

*Lord President,*

*Lord Steward*

*Lord Chamberlain,*

*Earl of Albermarle,*

*Earl of Minto.*

*Viscount Palmerston,*

*Viscount Melbourne,*

*Viscount Howick,*

*Lord Glenelg,*

*Mr. Poulett Thompson.*

Whereas the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of March last, pass an Act, which has been transmitted, entitled as follows, viz:

## APPENDIX (A.)

No. 484—'An Act to alter and amend the Election Laws.'

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Act should receive Her Majesty's special confirmation: Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act; and the same is hereby specially confirmed, ratified, and finally enacted accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

C. GREVILLE.

No. 5.

No 54.

[COPY.]

DOWNING STREET, 5th July, 1838.

SIR,

An Act passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, in the month of April, 1836, and numbered No. 448, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Plantations, that Committee have reported to Her Majesty in Council, their opinion, that the said Act should be left to its operation.

I have the honor to transmit to you herewith, an Order of Her Majesty in Council, dated the 20th June last, approving that Report.

I have, &c.

(Signed)

GLENELG.

The Lieutenant Governor of  
Prince Edward Island.

No. 6.

AT THE COURT AT ST. JAMES'S, THE 20th OF JUNE, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Chancellor,  
Lord President,  
Lord Steward,  
Lord Chamberlain,  
Earl of Albermarle,  
Earl of Minto,  
Lord John Russell,

Viscount Melbourne,  
Viscount Howick,  
Lord Glenelg,  
Mr. Poulett Thompson,  
Sir John Hobhouse, Bart.  
Mr. Chancellor of the Exchequer.

Whereas the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April, 1836, pass an Act, which has been transmitted, entitled as follows, viz:

No. 448.—'An Act to incorporate the Trustees of Saint Andrew's College, and to repeal a certain Act therein mentioned.'

## APPENDIX (A.)

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Act should be left to its operation: Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

C. GREVILLE.

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### No. 7.

No. 59.

[ COPY. ]

DOWNING STREET, 31st July, 1838.

SIR,

Various Acts passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, in the months of March and April last, having been referred by the Queen in Council to the Lords of the Committee of Privy Council, for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion, that the said Acts should be left to their operation.

I have the honor to transmit to you herewith an Order of Her Majesty in Council, dated the 30th instant, approving that report.

I have, &c.  
(Signed)

GLENELG.

The Lieutenant Governor of  
Prince Edward Island.

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### No. 8.

AT THE COURT AT BUCKINGHAM PALACE, THE 30TH OF JULY, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

*The Lord Chancellor,  
The Lord President,  
Viscount Palmerston,  
Viscount Melbourne,*

*Viscount Howick,  
Lord Glenelg,  
Sir John Hobhouse, Bart.  
Mr. Chancellor of the Exchequer.*

Whereas the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the months of March and April last, pass Eleven Acts, which have been transmitted, entitled as follows, viz:

No. 485.—' An Act to amend an Act passed in the Third year of His late Majesty's Reign, intituled *An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.*'

No. 486.—' An Act to provide for the management of the Charlottetown Ferry, by means of a Team Boat.'

No. 488.—' An Act to continue an Act passed in the Seventh year of His late Majesty's Reign, empowering the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting sites for Engine Houses, and for erecting such Buildings thereon.'

No. 489.—' An Act to continue an Act passed in the Fourth year of His late Majesty's Reign, for the better preventing accidents by Fire within the Town of Charlottetown.'

## APPENDIX (A.)

No. 493.—‘ An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose.’

No. 494.—‘ An Act to amend an Act, intituled An Act to regulate and establish the stated times and places for holding the Supreme Court in King’s and Prince Counties, and to constitute the Michælmass Term of the said Court in Queen’s County, a term for the trial of Issues for a limited period.’

No. 496.—‘ An Act to prevent the Streets and Squares of Charlottetown being incumbered with nuisances.’

No. 497.—‘ An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and Public Roads.’

No. 498.—‘ An Act relating to the Office of Surrogate, and Judge of Probate of Wills, and for granting Letters of Administration.’

No. 499.—‘ An Act to further amend an Act of the Tenth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.*’

No. 502.—‘ An Act for appropriating certain Monies therein mentioned, for the service of the year of Our Lord One thousand eight hundred and thirty-eight.’

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty’s most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation: Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty’s Island of Prince Edward, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed)

C. GREVILLE.

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No. 9.

No. 77.

[ COPY. ]

DOWNING STREET, 3d December, 1838.

SIR,

Various Acts passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, and numbered 487, 491, 492, 500, and 501, transmitted in your Despatch No. 16, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion, that the said Acts should be left to their operation.

I have the honor to transmit to you herewith, an Order of Her Majesty in Council, dated the 29th ultimo, approving that Report.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

Lieutenant Governor of  
Prince Edward Island.

## APPENDIX (A.)

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### No. 10.

AT THE COURT AT BUCKINGHAM PALACE, THE 29th OF NOVEMBER, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY;

*Lord Chancellor,*  
*Lord President,*  
*Lord Privy Seal,*  
*Lord Chamberlain,*  
*Earl of Albermarle,*  
*Viscount Palmerston,*

*Viscount Howick,*  
*Lord Hill,*  
*Lord Glenelg,*  
*Sir John Hobhouse, Bart.*  
*Mr. Chancellor of the Exchequer.*

Whereas the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the months of March and April, 1838, pass five Acts, which have been transmitted, entitled as follows, viz:

No. 487—' An Act for further continuing an Act passed in the Fifth Year of the reign of His late Majesty King William the Fourth, entitled An Act to provide for the payment of Interest on Warrants, which are not paid at the Treasury on demand.'

No. 491—' An Act to provide Salaries for Sub-Collectors of Customs at the several Out-Ports therein mentioned.'

No. 492—' An Act to make provision for the payment of a portion of the expence of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons.'

No. 500—' An Act to continue for One Year, and to amend an Act passed in the Seventh Year of His late Majesty's Reign, entitled An Act for the increase of the Revenue of this Island.'

No. 501—' An Act to reduce the Penalty imposed on certain offences by an Act of the Imperial Parliament, passed in the Seventh Year of the Reign of His late Majesty, entitled An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.'

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation:—Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report: Whereof the Governor, Lieutenant Governor, or Commander in Chief, for the time being, of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. L. BATHURST.

# APPENDIX

## [B.]

(SEE PAGE 12.)

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No. 49.

[ COPY. ]

DOWNING STREET, 30th May, 1838.

SIR,

I have had the honor to lay at the foot of the Throne, the Joint Address from the Council and Assembly of Prince Edward Island, which accompanied your Despatch of the 27th March, No. 10. Her Majesty was pleased to receive this Address very graciously, and to command me to convey, through you, to the Council and Assembly of Prince Edward Island, Her satisfaction at the attachment to her person and government which they have expressed. It will ever be Her Majesty's anxious wish to consult the wishes and to promote the interests of Her faithful subjects, the inhabitants of Prince Edward Island.

I have, &c.

(Signed)

GLENELG.

Sir Charles A. Fitz Roy, &c. &c. &c.

# APPENDIX

## (C.)

(SEE PAGE 12.)

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No. 1.

No. 78.

[COPY.]

DOWNING STREET, 3d December, 1838.

SIR,

In my Dispatch of the 1st June last, No. 51, I informed you that by Her Majesty's commands I had referred for the consideration of the Bishop of Nova Scotia, the Joint Report of the Council and Assembly of Prince Edward Island, on the exclusive right of the Church of England in that Colony to the proceeds arising from Church and School Lands sold under the Colonial Act 5 Will. 4, c. 13. In the month of July I received from the Bishop his reply to that Report, copies of which I herewith enclose for your information; and after fully considering the arguments adduced on either side, I felt it my duty, before tendering to Her Majesty any final advice on the question, to refer the papers for the consideration of the Law officers of the Crown. A copy of their Report I also enclose herewith. You will observe that the Queen's Advocate and the Attorney and Solicitor General are of opinion that although no actual right accrued to such reservations until a Church was built, the reservations for Churches and Glebes, in the Order in Council of 1767, had reference solely to Churches and Ministers connected with the established religion. With respect, however, to the reservations for Schools, they are of opinion that no such restriction exists. These views do not entirely accord with those adopted by the Legislature of Prince Edward Island; but the Council and Assembly will, I am convinced, see in the careful and laborious examination which this question has undergone, my anxiety to execute the trust devolved on Her Majesty's Government by the Colonial Act 5 Will. 4, cap. 13, with a due regard to justice and to the rights of all parties interested in the matter. In the opinion expressed by the Law Officers of the Crown, I concur; and it is, therefore, my duty to convey to you Her Majesty's commands, that so much of the proceeds in the hands of the Local Government, as arises from the sale of Church or Glebe Lands, should be appropriated to such educational establishments only as are connected with the Church of England; and that in order to ensure a judicious and proper application of these Funds, you should in this matter act in concert with the Bishop of Nova Scotia. In respect, however, to that portion of the proceeds which arises from the sale of School Lands, Her Majesty is anxious to consult the wishes of Her subjects in Prince Edward Island, and she will therefore be prepared to take into Her favourable consideration any joint Address which may be presented to Her Majesty by both Houses of the Legislature, specifying the manner and the proportions in which it can be most advantageously appropriated for the promotion of general Education throughout the Island.

I have the honor to be, Sir,

Your most obedient servant,

(Signed)

GLENELG.

Lieutenant Governor Sir Charles A. Fitz Roy.

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No. 2.

[COPY.]

YORK STREET, ST. JAMES, July 23d, 1838.

MY LORD,

I have been honored with a letter from Sir George Grey, accompanied by copies of sundry papers relating to proceedings and correspondence which have reference to the Sale of Glebe and School Lands in Prince Edward Island, and to the appropriation of the proceeds of that Sale. I am kindly desired to submit to your Lordship any observations which those papers may appear to demand.

## APPENDIX (C.)

My attention has been particularly given to a Report from a Joint Committee of the Council and Assembly of that Colony, who had been invited by the Governor, at the desire of your Lordship, to take into their consideration the statements and reasoning contained in letters which I had thought it my duty to address to the Archbishop of Canterbury in March and May, 1837, and to furnish His Excellency with their reasons for concurring in or dissenting from the conclusions in those letters.

It is more a subject for my regret than my surprise, that the Legislature of Prince Edward Island should not be satisfied with those conclusions: but I hope it will not be thought inconsistent with the respect which is due to that Legislature, to endeavour to satisfy your Lordship that their Report has little bearing upon the most important parts of the letters which were referred to them, and that the lands originally reserved for Glebes were intended *solely* for the Clergy of the established Church.

For this purpose, I have the honor to request your Lordship's consideration of the *remarks* which I have considered it proper to make at some length on that Report, and also of *observations* upon the same Report which I lately received from Prince Edward Island, addressed to me by some of the most respectable inhabitants, with whom I have had no communication, directly or indirectly, that could have led to these observations, of which I now forward a copy to your Lordship.

And here, my Lord, it may not be improper for me to remark, that my letters to the Archbishop of Canterbury did not point to the Legislature of the Island as the source from whence any compensation could be expected. It was expressly stated in those letters the Act of Alienation was complete, that its operation could not be interrupted, and indeed that its object had been accomplished; for the lands had been sold, and the proceeds appropriated by Law. No doubt was expressed of the validity of that Act, nor of its having legally divested the Church of any right which she formerly possessed in those Glebes; nor was any hope intimated that the Legislature could be induced to make any alteration of that Act.

But I hope your Lordship will not think that it was unnatural to entertain much hope that the *Government* would be ready to afford relief. The Reserves had been ordered by the Government for the benefit of the Church. They were *Reserves to the Crown* for Glebes and School Lands; and could not have been diverted from their original purpose without the acquiescence of the Government. The correspondence between the Secretaries of State and the Governors of the Island, shew likewise that the confirmation of the Act which alienated the lands was advised under a misapprehension, and therefore it is the more reasonable to hope the Government would be glad to repair an injury to which they had unintentionally been instrumental, and more especially because they had been regarded as the protectors of the property, and that property had ever been considered perfectly secure while under their protection. It was for these reasons, my Lord, that the Archbishop of Canterbury's appeal to the *Government*, and to the *Government only*, was earnestly solicited. If further explanation on this point shall be required, I shall be most happy to supply it while I am in London. If it be possible that any doubt can remain upon your Lordship's mind as to the intention to make provision for the Church in the several Colonies by Grants and Reserves of land, it will only be necessary to request your Lordship's particular attention to the words of those Grants and Reserves, and to the explanation of them (if explanation be necessary), which is supplied by the Instructions to the Governors, and the general understanding and usage, until a very recent date. Ample toleration was indeed afforded to dissenters, but I confidently state to your Lordship, after careful examination of the official correspondence between the Lords of Trade, and the Governors of Nova Scotia and Prince Edward Island, as well as of the instructions sent from time to time from the Crown, for nearly a century, that not a sentence can be found to give the least colour to a claim on the part of dissenters to a single acre of Land which has been reserved or granted for Glebe.

The only reason assigned by Mr. Spring Rice in October, 1834, for his consent to the *sale* of the Glebes, *expressly reserving to the Government the future appropriation of the proceeds*, was, that "if left in their present unoccupied state, they must tend to obstruct the improvement of the Colony." In writing to the Archbishop of Canterbury, I thought it sufficient to state the acknowledged fact that the Reserves only contained 130 acres, in each tract of 20,000 acres. The conclusion seemed evident, that it was a mistake to suppose that the improvement of the country could be materially affected, even by the entire neglect of so small a portion of the land. Your Lordship will permit me to add now, that even if the cultivation of this small por-



## APPENDIX (C.)

tion had been thought important, it could have been enjoined upon the Conservators of Glebes, who had been duly authorized to take charge of them, and were engaged in letting them as opportunities were afforded, upon improving leases. But even if this had been impossible, and the reserves must have remained waste (which is far from the fact), it can hardly be thought that these very small portions of the land, intended for the important purpose of assisting a supply of religious instruction to those persons who should occupy the extensive lands around these Glebes, should be the first to be *alienated* for neglect of cultivation, for few things can be more clear than that these should have been the last to be visited with such severity.

It will not have escaped your Lordship that although the Colonial Act which has alienated the Glebes, provides that the proceeds of the Sales shall "be appropriated for the purpose of promoting general Education within the Island," a provision is also made for the accomplishment of this object "in such manner and under such regulations as Her Majesty, Her Heirs or Successors, may be pleased to prescribe or command."

It is therefore open to the Government to employ the agency of the Incorporated Society for the propagation of the Gospel, in carrying into effect the enactments of that Law. The lands which have been sold would otherwise have been applied to the support of Missionaries and Schoolmasters from that Society, who have supplied instruction to Her Majesty's Colonies for nearly a century and a half. Their Schools have always been open to all denominations, and their instruction, though scriptural, is *general*; and none have derived more benefit from that instruction than Jews, Romanists and Dissenters, who have been as freely admitted as members of the Church.

This arrangement would be attended with several advantages. It would shew as much consideration as can now be shewn, in the execution of this Act, to a Society who have been injured by it. It would secure a careful superintendence of the Schools, which is essential to their usefulness. And I am prepared to satisfy your Lordship, that it would be approved by some of the most respectable individuals who concurred in passing the Act, of which it has been my duty to complain. It is also probable that it would be more generally acceptable in the Island, than either of the two propositions which have been submitted lately for your Lordship's consideration, because it would tend to a wider diffusion of instruction through the Island, than if the funds were appropriated to the support of only two seminaries. Upon the benefits which it may still be in the power of the Government to confer upon the Church in Prince Edward Island, if, as I trust, your Lordship shall be inclined to repair the injury she has sustained, as far as it may be possible to repair it, I shall be happy to have the honor of conferring personally with your Lordship.

I have, &c.

(Signed)

JOHN NOVA SCOTIA.

To the Right Hon. Lord Glenelg.

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### No. 3.

Charlottetown, May 8th, 1838.

My Lord,

The following observations upon the Report of the Joint Committee of the Council and House of Assembly of Prince Edward Island, to whom was referred the correspondence between your Lordship, His Grace the Archbishop of Canterbury, and certain of Her Majesty's Ministers, relative to an Act authorizing the sale of the Clergy Reserves in this Island, are respectfully submitted to your Lordship's notice, by

Your Lordship's obedient servants,

&c. &c. &c.

To the Right Rev. the Lord

Bishop of Nova Scotia, &c. &c.

## APPENDIX (C.)

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My Lord,

We cannot refrain from expressing our astonishment at reading a Report of the Joint Committee of the Council and House of Assembly of this Island, on the subject of the correspondence between the Archbishop of Canterbury, your Lordship, and his late Majesty's Ministers, relative to the sale of the Glebe and School Lands of this Island. Nor can we suffer a report of this nature to go abroad into the world, without comment; for should we do so, our silence may be construed as recognizing the truth of the assertions therein set forth. We cannot suffer ourselves to think that there ever could have existed a doubt on the mind of any one, to whom the history of the Colony was known, as to what were the intentions of Government at the time of the passing those Grants, or the purposes for which the lands reserved for the site of a Church and Glebe, were intended to be applied. In the year 1767, when the first Grants passed the great seal, this Island was a part of the Province of Nova Scotia, and we think that it is the fairest, as well as most rational mode, to consider how the law, as well as the instructions of Her Majesty's Government, then stood. In the *Province of Nova Scotia*, so early as 1758, an Act was passed constituting the Church of England the established Church of the Province; and the Governor was thereby requested to induct every minister of the said Church into such parish, as shall make presentation of him. Acts continued to be passed relative to the good government of the Church of England, and the election of its officers, churchwardens, &c. from that time until the year 1767, during which period this Island was an integral part of Nova Scotia. And it may perhaps have escaped your Lordship's laborious investigation, that in the year 1759, an Act was passed conferring upon the Governor of the Province of Nova Scotia, the power of allotting Parishes, by metes and bounds, within his Province, for the sole benefit of the Church of England, as by law established. Laws still continued to be enacted for the benefit of the Church from that time until the year 1767, all tending to the same purpose, and acknowledging the supremacy of the Church of England. Subsequently a few grants were made by Governor Patterson, the first Governor of the Island, which are in exact conformity with the grants made by Lord William Campbell, the then Governor of Nova Scotia. On reference to the instructions to Governor Patterson, it will be found that he is desired to conform *himself in all respects* to the instructions formerly issued to the Governor of Nova Scotia, a copy of which instructions is there stated to be annexed, and to be considered as forming a part of his then present instructions, evidently shewing that it was the intention of the Government to adopt the same principle of settlement in that part of the Province of Nova Scotia called the Island of St. John, as had heretofore been acted upon in the said Province.

If the Island of St. John were an integral part of the Province of Nova Scotia, it must certainly have been bound by the same laws as the rest of the Province; and on considering what the intention of Government was in making the reservations alluded to in the grants, the law of the Province of Nova Scotia, and the instructions to the Governor of that Province, form the best and only solution of any doubt that may arise concerning the meaning of the words contained in the grants. The joint Committee of the Council and House of Assembly place no reliance, as they say, upon the Royal Instructions to the Governor; we, on the contrary, do; conceiving, as we think, that the best explanation of the acts of a servant is, by reference to the orders of his master, it being a matter of notoriety that no Governor of a Province is permitted to depart from the tenor of his instructions. Should there be any doubt that those instructions were in strict conformity with those of the Governor of Nova Scotia, a reference to the respective instructions will immediately resolve it.

It has been stated that the Island was surrendered at the treaty of Aix-la-Chapelle, by Great Britain to France, as a *dependency of Cape Breton*. This is an assumption, the grounds of which we are at a loss to conjecture, unless it were that the Island was not finally evacuated until the year 1763, for which we need go no further than the law of the Province of Nova Scotia, passed in the year 1759, wherein it is declared that although the French inhabitants of the Province of Nova Scotia, of which the then Island of St. John constituted a part, had, by treaty, agreed to become the subjects of Great Britain, they nevertheless continued to correspond with France, refused to take the oath of allegiance, committed murders and devastations upon His Majesty's subjects, so that it was not until the year in which the treaty of Aix-la-Chapelle was concluded, they were finally compelled to evacuate the Island of St. John; nevertheless it is evident

## APPENDIX (C.)

from every part of the history of that period, that the continuance of the French inhabitants in the Island of St. John, was merely a boon granted by the British Government; the right to the soil, and its being a part of the Province of Nova Scotia, or Acadia, as it was then called, was unquestionably that of Great Britain, that right having never been conceded.

It is rather astonishing that a House of Assembly of Prince Edward Island, in the year 1838, should have been enabled so correctly to ascertain what were the sentiments of the high contracting parties at the Treaty of Aix-la-Chappelle, when at the Treaty of Utrecht it was a matter of doubt as to what constituted the limits of the then Province of Nova Scotia. Besides had other histories been consulted, or had even the words of the Treaty itself been adverted to, or quoted, it would have been found that the Island of Saint John was never once mentioned or alluded to.

It is stated that your Lordship is incorrect in your assertion, that "the words in all the Grants" were copied from the 28th section of the Royal Instructions of 1769, as these Instructions were dated "nearly two years subsequent to the order in Council, under which the several Grants in this Colony" issued from the Crown, and one year after, most of the Grants had passed," whereas had the framers of the Report reflected that they had previously asserted, that the Order in Council by which the Governor of the Province of Nova Scotia was directed to convey these Lands to the several Grantees, was dated in the year 1767, the Instructions to the Governor of the Province of Nova Scotia must at least have been prior to that date; and further, that the version of your Lordship, as to the Royal Instructions, is most likely to be the one most correct. The idea that this Island was intended to be settled "solely" by German protestants and those averse to the National Religion, as is assumed by the Committee, is so absurd, as not to require refutation. That the English Government should have entertained an intention so ridiculous as to make this completely a Colony of Foreigners, is to suppose that they were totally ignorant of the law of the land: for they must have known that there was a law of the Kingdom of Great Britain, passed in the reign of Charles the Second, which prevented foreigners holding or occupying land in these Colonies, without having first resided seven years therein, and having taken the usual Oaths of Supremacy and Allegiance; a law which we have yet to learn, is not in force, but which at the date of the passing of the Grants in question, it cannot by any possibility be denied, was in full vigor and effect. Had there been a doubt, as to who were meant by Ministers of the Gospel, had even the Royal Instructions been silent upon the subject, the law of the Island of 1802 would have afforded the fullest information. Taking this therefore in connection with the Act of the Province of Nova Scotia, passed so early as the year 1758, and the Acts subsequent thereto, it is evident that by the words "Ministers of the Gospel" those of the Church of England, and none other, could have been contemplated. Twelve years after the Royal Assent had been given to the law of 1802, we find that a Warrant of Survey was issued to the Surveyor General, directing him to lay off the Glebes in every Township in the Colony; thereby affording a clear and decisive proof, if any such were wanting, of the intention of the Government of the day, to appropriate them to the use of the Church of England, under the provision of the aforesaid Act. What followed? Conservators of Glebes were appointed under the Great Seal of the Island; and to whom were those offices entrusted? To those to whom the custody of the lands in question rightfully appertained, the Ministers of the Church of England, established not only by the law of the Empire, but also by a solemn Statute of the Colony. It would be derogatory both to your Lordship and ourselves to enter into the question that is raised by the House of Assembly, that your Lordship is erroneous in your assertions respecting the conversations had with some of the Members of that body; confiding as we do in your Lordship's integrity both as a zealous and pious Pastor of the Church and a learned and accomplished gentleman, you must pardon us if we refrain from even giving the assertion a naked denial. That your Lordship in your conversations with several gentlemen in this Island, upon a subject so naturally interesting and important to you, might have fallen into the error of supposing that those who had been Members of the previous House, some of whom had opposed, and some advocated, the sale of the Glebe Lands, is perfectly within the knowledge of many of those who subscribe this document, and it is with no small feeling of regret, we might even say of indignation, that we find it in a public document attempted to be insinuated, that in a matter so interesting to the welfare of the Church over which you have been called to preside,

## APPENDIX (C.)

you would condescend to have availed yourself of what the Committee of the Legislature must have considered a groundless and gratuitous fiction.

While we regret, my Lord, that our Church has met with so little favor at the hands of the Legislature of late years, and their departure from the principles of their ancestors, we cannot but feel grateful, that her interests are entrusted to the keeping of one whom nothing can prevent from a strict, conscientious and upright discharge of his duty. Go on, therefore, my Lord, certain that you carry with you the most zealous wishes of those members of the Church of England, residing in this Colony, who feel anxious for its welfare. That your exertions to obtain for her that remuneration which justice demands and requires, may be crowned with ultimate success, is their fervent and constant prayer.

To the Right Reverend and Honorable  
The Lord Bishop of Nova Scotia.

No. 4.

5, York Street, St. James, 23d July, 1838.

My Lord,

I have the honor to address to your Lordship, the following remarks on "a Report from a Joint Committee of the Council and Assembly of Prince Edward Island, to whom was referred the Message of His Excellency the Lieutenant Governor," transmitting a Despatch from the Right Honorable Lord Glenelg, with copies of a correspondence which had taken place between His Lordship and His Grace the Archbishop of Canterbury, on the subject of the Act for the Sale of the Glebe and School Lands in this Colony, in which correspondence is a letter from the Bishop of Nova Scotia, asserting the exclusive right of the Church of England to this property, &c. &c.

1. The Committee, in the commencement of their Report, "express their surprise that the Bishop of Nova Scotia should have deferred, until this late period, to call in question the justice of the measure adopted by the Legislature;" they afterwards state, that "during a period of upwards of six years, which elapsed from the first discussion of the question, until the Royal Assent was given to the Act, no objection was made by His Lordship, or any other person against the measure, with the exception of the communication which appears to have been addressed to the Right Honorable the Earl of Aberdeen, (then Secretary of State for the Colonies,) by order of the Society for the propagation of the Gospel, on the 9th March, 1835;" and again, "that no objection was made to the Bill in question before the Royal Assent was given."

My first remark on this part of the Report is, that if I had been as negligent as the Committee have stated me to have been, in omitting to notice the progress of our endeavour to alienate Lands which belonged to the Church, or where intended for her benefit, no negligence on my part, however culpable, could diminish the injustice of such alienations, or its inconsistency with the original intention of the Reserves, or mitigate the wrong which it inflicted on the Church. My next remark is, that the Committee have been under much misapprehension on this point, which will readily appear by a simple statement of facts.

Upon the first movement on the matter, I communicated with the Lieutenant Governor of the Island, upon the subject, although it appeared scarcely possible that the endeavour to alienate the Glebe could succeed, and I had good reason to believe, that His Excellency concurred in that opinion. No time, however, was lost in representing the matter to the Society for the Propagation of the Gospel. The subject was also brought to the notice of Lord Goderich, in a letter which I had the honor of addressing to his Lordship on the 27th of March, 1833, where I expressed the confidence which I really entertained, that the bare mention of the subject would produce the effectual protection of the Government.

A copy of that letter was sent at the time to the Society, and is now in their Office. The matter was again brought before the Society by my letters in that year, and very particularly afterwards in March, and

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in April, 1834, when a third Address from the Assembly of the Island was forwarded to the Colonial Office. It was not unreasonable to suppose that the Addresses from the House of Assembly in 1830 and in 1832, were thought inadmissible, as they remained unnoticed for several years. There was, perhaps, still greater reasons to think the Address of 1834, would be equally unsuccessful. It supplied no stronger reasons for the serious change for which it prayed, than were contained in the earlier Addresses, and the House of Assembly had been particularly urged to forward it by a Petition, whose character seemed unlikely to assist any measure which might be grounded upon it.

The substance of that Petition was inserted in the Journals of the House, which are regularly forwarded to Downing Street, and preserved there.

When your Lordship is reminded that this Petition speaks of the King when coming to the Throne, as having found the Nation groaning under the intolerable burthen of an established Church—as not having yet been able to free His subjects from that galling yoke which cannot be borne much longer by freemen—where your Lordship is reminded that this same Petition represents an established and state endowed Church, as one which may accord with the views of ambitious churchmen and Priest-ridden Princes, but is looked upon as a cruel imposition by all who respect the sacred rights of conscience, and accuses Episcopalians because they desire to retain the little property originally intended for them, as meditating a deed of plunder and rapacity, and predicts that their success in this object would not cease to produce an abundant harvest of hatred and envy, till that Church which they are labouring to uphold by such unworthy means, shall be overturned both root and branch.

When your Lordship is reminded of the sentiments thus expressed in the Petition of 1834 to the House of Assembly, you will not be surprised that an Address to the Throne, urged on by such a Petition, was thought to be as unlikely to obtain any favourable regard, as those which had preceded it in 1830 and 1832. It was, therefore, with as much astonishment as regret, that I received a letter from the Lieutenant Governor of the Island, in January, 1835, containing the following passage:—"I have received the orders of the Secretary of State to sell the Glebe and School Lands, and when that is effected and reported, Instructions will be transmitted to me in regard to the appropriation of the money derived from the Sale." This letter, from Lieutenant Governor Young, was immediately forwarded to the Society for the Propagation of the Gospel, and probably induced an application from that body to the Colonial Office, in March, 1835. The reply from Mr. Hay stated, that "the unoccupied state of the Land reserved in Prince Edward Island, for the support of the Ministers and Schools, having been represented to obstruct the improvement of the Colony, a sale of those lands has been authorized—but without any sanction for the reversion of the proceeds from the purposes for which the lands themselves were originally set apart. The only immediate object appears to have been, to remove an obstruction to the cultivation of the Island, and upon the appropriation of the money thus realized, no decision has been pronounced.

"In regard to the Bills alleged to have been introduced into the Assembly, Lord Aberdeen has no further information, at present, than is contained in your letter, and it would be premature to express any opinion upon measures of which the particulars are unknown. Should they, however, pass into laws, and thus come before His Majesty for confirmation, it will be in the power of the Society, or of the Bishop of Nova Scotia, to urge any objections which they may consider applicable to the Acts, as infringing upon the rights of the Church of England."

This letter from Mr. Hay might easily lead the Society to think no such Bill as was alluded to would receive the Royal Assent, until an opportunity was afforded to them for shewing their reasons against it; and your Lordship will permit me to state, I had still greater reason to hope an opportunity would be afforded to myself to make some observations upon a Bill, so vitally affecting the property of the Church under my care, for the Royal Assent had been recently withheld from a Parish Bill, passed by the Legislature of the same Island, of very minor importance, until it could be referred to the Bishop of the Diocese. Being on duty in a very distant part of my charge—the Bay of Chaleur—when this communication first reached me, a reply to it was unavoidably delayed; and a second communication from the Colonial Office, on the same subject, followed me to Bermuda, another distant part of my Diocese, from whence I replied to it, and then

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again endeavoured to obtain protection for the Glebes in Prince Edward Island. Your Lordship will therefore, I trust, acquit me of the negligence with which I am charged—at least by implication—although, if the charge had been well founded, it would not have affected the merits of the case; nor will your Lordship be surprised, after all that had taken place, at my supposing it most improbable that the Government should ever consent to the alienation of the Glebes in Prince Edward Island.

2. The Report of the Committee next charges me with an error, in stating that the Island was a part of the Province of Nova Scotia in the year 1749, and refers to several treaties, in support of that charge. This, however, appears entirely irrelevant; for if the few words in my letter to the Archbishop which have occasioned the charge, and which form only a parenthesis—*when Prince Edward Island, then called the Island of St. John, as well as New Brunswick, formed a part of the Province of Nova Scotia*—were struck out of the letter, the whole force of all I have said would remain, without the least abatement.

The object of my reasoning was, to shew the intention of the Government in making the reserve—and that intention is as clearly shown without those words as with them.

The contract between the Government and the Society, made in 1749, was in force at whatever period the Island was attached to Nova Scotia; and when so attached, it became subject to all the laws, and instructions, and engagements, which applied to Nova Scotia. I have thought it right, however, to refer to the treaties of Utrecht and Aix-la-Chapelle, as these have been mentioned, and find that the Island of St. John is not named in them. It was then little known; but being within nine miles of the shore of Nova Scotia, it had been claimed by Great Britain, as included in the terms of the Treaty of Utrecht, which ceded the Island of St. Christopher's, in the West Indies, and *likewise all Nova Scotia, or Acadia, with its ancient boundaries, and all other things in those parts which depend on the said Lands and Islands*. The Governors of Nova Scotia were accordingly directed, upon several occasions, to prevent the settlement of French inhabitants on the Island, whose aggressions were particularly complained of in 1743 and 1752, as appears by the correspondence of the Lords of Trade in those years.

As the Instructions to all the Governors of Nova Scotia, before Prince Edward Island was brought into much notice, clearly shew that the uniform intention of the Government was to encourage and uphold the established Church, so the same intention was manifested in reference to that Island as soon as brought more into view; and although the same inclination that had always been manifested, to give full toleration to Dissenters, was preserved, nothing appears which can be construed as a desire, on the part of the Government, to assist them by Grants of Land.

In February, 1764, after the period when the Committee themselves are satisfied that St. John formed part of Nova Scotia, the Lords of Trade recommended the settling of that Island upon the plan, and under the regulations approved of for Nova Scotia; and the Instructions, as well as all the Grants of Townships in Nova Scotia, shew that these regulations comprehended allotments of land for the Church and her Ministers.

But upon this point nothing can be more express and clear than the Order in Council, of 1767, and the Instructions to the first Governor of Prince Edward Island, in 1769. These two instruments were suggested by the same feelings, and emanated from the same authority. They serve, if explanation be necessary, to explain each other, and cannot easily be mistaken. I, therefore, beg to insert extracts from them in this letter, and may venture to say to your Lordship, as I wrote to the Archbishop of Canterbury, that if, after reading these extracts and considering the previous Instructions, and the uniform usage in Nova Scotia, founded on these Instructions, any doubt can exist in your Lordship's mind, as to the only Church and the only Ministers who were interested in the Glebes, I will not occupy another moment of your Lordship's time. They speak only of *the Church and the Ministers to whom belong the Book of Common Prayer*—who alone were under the jurisdiction of the *Bishop of London*—who alone could receive *Eccllesiastical Benefices*—and who alone could have an interest in the several *Vestries* in their respective Parishes.

*Extract from an Order in Council, in 1767.*—"That there be also a reservation, in a proper part of each Township, of One hundred Acres of Land, for a site of a Church, and as a Glebe for a Minister of the Gospel, and Thirty Acres for a Schoolmaster."

## APPENDIX (C.)

*Extract from the Royal Instructions to the Governor of Prince Edward Island, dated the 4th of August, 1769, Section 27.*—" And whereas nothing can more effectually promote the peace and happiness of our subjects there, and impress upon their minds a just sense of religion and morality, than an uniform and regular observance of those rites and duties which our Holy Religion requires. You will, therefore, have a very particular attention to this important object, and to that end, you shall take especial care that God Almighty be devoutly and duly served throughout your Government—the *Book of Common Prayer*, as by *Law established*, read each Sunday and Holiday—and the blessed Sacrament administered according to the rites of the Church of England."

*Section 28.*—" You shall be careful that the Churches hereafter to be built within our said Island, be well and orderly kept; and that, besides a competent maintenance to be assigned to the Minister of each orthodox Church, a convenient House be built, at the public charge, for each Minister; and you are, in especial manner, to take care that One hundred Acres of Land, for the site of a Church, and as a Glebe for a Minister of the Gospel, and thirty Acres for a Schoolmaster, be duly reserved, in a proper part of every Township, conformable to the directions and conditions annexed to our Order in Council of the 26th August, 1767, herein before referred to."

*Section 29.*—" You are not to prefer any Minister to any Ecclesiastical Benefice in that our Island, without a Certificate from the Right Reverend Father in God, the Lord Bishop of London, of his being conformable to the doctrine and discipline of the Church of England, and of a good life and conversation; and if any person, preferred already to a Benefice, shall appear to you to give scandal, either by his doctrine or manners, you are to use the proper means for the removal of him."

*Section 30.*—" You are to give orders forthwith, that every orthodox Minister within your Government be one of the Vestry in his respective Parish; and that no Vestry be held without him, except in case of sickness, or that, after notice of a Vestry summoned, he omit to come."

*Section 31.*—" You are to inquire whether there be any Minister within your Government, who preaches and administers the Sacrament, in any orthodox Church or Chapel, without being in due orders, and to give an account thereof to the said Lord Bishop of London."

3. The Committee next declare, they 'cannot perceive the importance which the Bishop of Nova Scotia would seem to attach to the Royal Instructions.'

" Your Committee have yet to learn, that any Instructions can contravene Letters Patent, under the Great Seal, in which form the several Grants of Land in this Colony passed from the Crown, and therefore " his Lordship's arguments, founded on such a basis, cannot avail him."

I have attentively examined my letters to the Archbishop of Canterbury, and cannot discover a sentence which can be thought to express any doubt respecting the validity of the Grants, or to contravene Letters Patent under the Great Seal.

I suppose the meaning of certain words in those Patents had not been clearly understood by the Legislature of the Island, and considered the Order in Council, and the Royal Instructions, under which such Grants were passed, to be the best guides to their right interpretation. I have no doubt that your Lordship will concur in this opinion. It is, therefore, unnecessary to dwell upon this point of the Report, nor can it be necessary to say much upon the Committee's denial of the authority of the Royal Instructions in controlling the disposition of the reserved Lands, because those Instructions form the only proper guide for such disposal of the Lands. Neither can it be requisite to dwell upon the assertion of the Committee, that the Royal Instructions of 1769 could have no reference whatever to Lands which had passed from the Crown before their promulgation.

These Instructions may certainly be used, not in contravention of the Grants which passed immediately after the Order in Council of 1767, but to explain the intention of those Grants, and especially because they are exactly of the same character with all previous, as well as all subsequent, Instructions. The Order in Council, of itself, could not have furnished authority to the Governor to pass the Grants; but he must have been instructed to pass them conformably with that Order; and the 28th Section of the Instructions in 1769,

## APPENDIX (C.)

expressly directs the reservations to be made conformable to *the directions and conditions annexed to an Order in Council, dated the 26th August, 1767.*

The spirit of all the Instructions on this point was the same; and although some of the Grants may have been issued previous to 1769, it is not denied by the Committee that many passed after that date. The Grant from which my Extract was taken, is dated in 1774; but the reserves in all the Grants are expressed by the same words, and in exact conformity with the Order in Council in 1767, with the directions which accompanied that Order, and with the Instructions in 1769—all of which, as has been already stated, emanated from the same authority, and were suggested by the same spirit and feeling.

4th. The Committee next assume that the Settlement of the Colony with foreign Protestants formed the principal object of the Crown, and then express their opinion, that “it never could have been the desire of the Imperial Government to force upon those settlers the Communion of the Church of England; on the contrary, it must be presumed, that in encouraging the settlement of foreign Protestants, it was the intention of the British Government to allow to the spiritual Pastors of those people the benefit of the Glebes reserved for Ministers of the Gospel, unless the term *Minister of the Gospel* be considered as solely applicable to Clergymen of the Church of England—an acceptance which your Committee would be very sorry to admit.”

*The Observations on the Report* by several gentlemen in Charlottetown, which I have the honor to submit to your Lordship, contain all that is necessary to be said, respecting the assumption that the settlement of the Colony by foreign Protestants was the principal object of the Crown.

I am very ready to admit, that it was not the desire of the Government to force upon those settlers the Communion of the Church of England, for such desire would have been as inconsistent with the feelings of the Government, and all former Instructions, as a disregard of the interest of the Church would have been.

Those Instructions uniformly contained the following directions—“You are to permit a liberty of conscience to all persons, so that they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government.” Here a limit is assigned to that liberty of conscience, without the least encouragement to those to whom it was granted to expect a share in the property allotted to the Church and its Ministers. Indeed, the direction to grant liberty of conscience was so plain in all the Instructions, as evidently to mark the difference between the *establishment and special support* designed for the Ministers of the Church; and the indulgences intended for all who did not belong to her Communion. The 28th Section of the Instructions of 1769, when duly considered, appears very sufficient for itself to prove that the *Church, the Ministers of the Gospel, and the Glebes*, were intended to be intimately and indissolubly connected. The Ministers there named are most evidently the Ministers of *that Church*, and the Glebes are expressly reserved for *these Ministers*.

This perhaps might be regarded as a sufficient refutation of the opinion expressed by the Committee, that it was the intention of the British Government to allow to the spiritual Pastors of the foreign Protestants the benefit of the Glebes.

But more may be said upon this subject. These foreign Protestants never came to the Island; and even if they had arrived, and could have preferred any rightful claim to a share in the Glebes—which has been shewn to be impossible—no such claim could therefore have arisen on behalf of the various denominations of Dissenters who have settled in the Island.

These claims are represented by the Committee to have been so conflicting as to excite such jealousies and heart burnings, that the Legislature alienated the Lands instead of entertaining the claims, thus proving the claims themselves to be preposterous, or the admission of them impossible, while the Committee seem to impute to the Government of 1767, the absurdity of having laid the foundation for such preposterous and impossible claims.



## APPENDIX (C.)

There is an important fact, which may have been unknown, or overlooked, by the Committee, although it is well calculated to clear up any doubt, if it is possible that doubt can remain upon this subject.

Before the settlement of Prince Edward Island, several thousand foreign Protestants—French and German—had been encouraged to settle in Nova Scotia. These chiefly belonged to those churches on the Continent of Europe which have been regarded as Sister Churches by our own Communion. It has happened (as might have been thought probable at the time of their arrival), that a large portion of these foreign Protestants have united with the established Church. But others, who constituted a very large and respectable majority of the whole settlement in which they were placed, (as, particularly, at Lunenburg), have remained to the present day with their separate Pastors, in the communion of the Lutheran and Dutch Calvinist Churches. In Lunenburg, as in the other Townships of Nova Scotia, a Glebe was reserved; but no claim to any portion of Glebe was ever preferred, nor, I believe, ever thought of, by Lutheran or Calvinists, either there or elsewhere; and that Glebe, like all others, remains as it ever has been, the sole and undisputed property of the established Church. It would, therefore, be strange indeed, if any claim could now be entertained on behalf of either German or French Protestants, and still more strange, on behalf of Dissenters from the Church, to Glebes in Prince Edward Island, reserved in obedience to the same or similar Instructions with those which had directed similar reservations in Nova Scotia.

5. I must now advert to that part of the Report which, although totally irrelevant to the main subject, seems to accuse me of asserting an untruth, or, at least, to impute to me a most gratuitous misrepresentation. My letter to the Archbishop of Canterbury contains the following passage:—"In the last Summer, I visited Prince Edward Island, and took some pains to ascertain, from individuals who concurred in passing the Act, both of the Council and of the House of Assembly, what other grounds were alleged for the measure."

The Report has the following reply—"The Committee of the House of Assembly deny that the Bishop of Nova Scotia, on his visit to the Island, in 1836, ever had a conversation with any member of that House, upon the Act in question, who had concurred in its passing, as asserted by his Lordship; but the Committee of the Council admit that his Lordship did converse on the subject with some of its Members, who concurred in the measure."

To any want of courtesy in this *denial* it would now be vain to object. The explanation, however, is easy. I was not aware of a recent dissolution of the House, and of the changes which this produced. I conversed with several Members, whose names I had seen in the debates in 1830, 1832 or 1834, when the Addresses to the Crown were agreed upon; and as the Acts which followed may well be considered as grounded upon those addresses, the former House, as well as the latter, might not improperly be regarded as having concurred in passing that Act, even if I had known that the change had taken place.

The most remarkable feature in the case is, that the House was informed of this fact by some of its own Members, before the adoption of the Report; and to clear up all possibility of mistake, and set the matter right, the names of the former Members, with whom I had conversed on the subject, were unhesitatingly mentioned, as appears by a Report of the debate in the same *Gazette* in which the Report of the Committee was printed. The Committee, however, insisted on passing their Report, with this denial in it; and it was adopted by a majority of three to six.

6. I had said that "*many of the Glebes were under improving Leases, which the clergy had been duly authorized to grant.*" The report states—"such Leases were but few, and were granted by them in their capacity of *Conservators of Glebes only*, to which they were appointed by the Administrators of the Government." It is unnecessary to discuss the strict meaning of terms entirely relative—although I still think the term I used quite correct, if the circumstances of the Island, and the difficulty of finding good tenants there, be considered. But I might ask why the *Clergy* were appointed Conservators of Glebes? The Clergy were few in number, and, of all men in the Island, the most unfit to receive such appointments, *if the Glebes did not belong to the Church*. If they *did* belong to the Church, the clergy were certainly the proper persons to take charge of them; and accordingly the Administrator of the Government committed this charge to them.

## APPENDIX (C.)

because no doubt of the claim of the Church to those lands was entertained when the lands were laid off by order of the Government, and the Conservators of them were appointed under the great seal of the Island.

7. The last observation which I have to make on the Report must be directed to the concluding part of it, which accuses me, with its usual irrelevancy to the *Church's claim to the Glebes*, of a 'disingenuous and 'unfair assertion.' I had stated, that 'on two of the Glebes burial places had long been used, and that 'these, with their dead bodies, were sold with the rest.' The Report states—'your Committee are not 'aware of more than *one* Glebe which was so circumstanced.'

I received the intelligence from two individuals, in different parts of the Island, and therefore supposed that *two* Glebes were so circumstanced. I have had no opportunity of ascertaining whether this supposition was correct. But a single case of the kind is sufficiently revolting. A respectable Clergyman in the Island, to whom allusion was made in the Report, felt called upon to make a *public* statement of facts, relative to the sale of a Burial Ground within the limits of his mission. I can entertain no doubt of the accuracy of this statement, and therefore insert it in this place, as the best reply to so much of the Report as relates to this topic:—

"The part of the Report upon which I feel myself particularly called upon to remark is, that which relates to the sale of the Burial Ground on Lot No. 13, in which I am sorry to say they have deviated so far from the real facts of the case. The Committee state, 'That the part which has been used as a Burial Ground, 'with an addition of about four acres, was expressly *reserved*, at the time of sale, and set up at the request 'of the Clergyman of the Parish, for the sole purpose of obtaining a title, and was bid in by him at the nominal price of Twenty Shillings, being the first and only bid made therefor.' That this statement is wide from the truth is well known to every person who was present at the sale, and to none better than to Mr. Pope, by whom the Report is subscribed. In the last place, I would ask the Joint Committee, by whom was this express reservation made?

"The Act makes no such reservation, and the Commissioners appointed to sell the Glebes, when applied to on the subject, expressly stated that they had no power to make such reservation. Had it been made by authority, of course it would not have been sold. All that the Commissioners could do, to preserve the dead from molestation, I am happy to say they cheerfully did, which was, to set up five acres, including all the graves, by itself, and then allow us to buy it in as cheap as we could. Instead of these five acres being *reserved*, as the Joint Committee would have us believe, they were set up, like all the other lands sold upon the occasion, for public competition; and instead of being bid in by me as the first and only bidder, I can assure the Joint Committee, that there were more bids for the Grave Yard than for a much larger tract, sold upon the same occasion to a private individual, and at a higher rate per acre."

It is evident, from the general style of the Report, that I have been so unfortunate as to incur the displeasure of the Committee, and to this I must attribute the charges against me.

I regret the misfortune of this displeasure, because I have much esteem for several members of the Legislature, who have been well known to me for a long time; but I hope your Lordship will believe I am prepared to submit, without much emotion, to greater evils than even this misfortune, if brought upon me by a steady and conscientious discharge of that which I believe to be my duty to God and to his Church.

Having now gone through the whole of the Report of the Joint Committee, I trust your Lordship will be satisfied that the three grounds upon which the justification of the Act of the Legislature of Prince Edward Island, which alienated all the Glebes, and the three Addresses from the House of Assembly to the Crown, which preceded the passing of the Act, has been rested, can afford them no support. First, the alleged impossibility of determining for what particular denomination of Christians the Glebes were intended by the Government; Secondly, the plea of impediment which these reserves opposed to the cultivation of the Colony; and, Thirdly, the claim now set up on behalf of Foreign Protestants. I trust your Lordship will be satisfied that the original intention of the Government is clear and explicit, in sustaining the exclusive claim of the Established Church, and was universally so considered and acted upon until a very recent period; that no impediment, deserving of notice, could be opposed to the cultivation of the Colony, if such

## APPENDIX (C.)

small portions as the Reserves (130 acres in each tract of 20,000 acres), had remained wholly unimproved; and that even if such impediment had existed, the alienation of the Land was the last remedy that should have been attempted in such a case: and, finally, that the claim now set up on behalf of Foreign Protestants, who never went to the Island, is wholly without foundation; and that any pretence of Dissenters, grounded on such claim, are, if possible, still more extravagant.

I have, &c.

(Signed)

JOHN NOVA SCOTIA.

To the Right Hon. Lord Glenelg.

No. 5.

[ COPY. ]

DOCTOR'S COMMONS, 1st November, 1838.

MY LORD;

We are honoured with your Lordship's commands, signified in your Lordship's letter of the 18th September last, stating that in the month of April, 1834, an Address to the Throne was transmitted from the House of Assembly of Prince Edward Island, praying that the proceeds of certain Lands, reserved in that Colony for the support of Ministers of the Gospel, and Schoolmasters, should be applied exclusively to purposes connected with education. In reply to this Address, Mr. S. Rice, in October, 1834, directed that the Lands in question, being at that time unproductive, and an impediment to cultivation, should be sold, reserving for future consideration the mode of investing and appropriating the proceeds. In April, 1835, a Bill was accordingly passed by the Legislature of Prince Edward Island, authorizing the sale of these lands, but directing that the proceeds 'shall be appropriated for the purpose of promoting general Education within the Island, in such manner and under such regulations as His Majesty, his Heirs or Successors, may hereinafter be pleased to prescribe or command.'—That that Bill contained a clause suspending its operation until His Majesty's pleasure should be known—that it received His Majesty's special confirmation on the 28th April, 1836, and under its provisions the lands have since been sold—That early in the year 1835, before the Bill in question had reached this country, the Society for the Propagation of the Gospel communicated with Lord Aberdeen on the subject, and were informed by his Lordship, that although no intelligence of the introduction of that Bill had then been received, yet, that if it should come home, it would be in the power of the Society to make any representation against its provisions, which they might think necessary—That no such representation was made in 1836, but, after the sale had been concluded, a letter was received from the Archbishop of Canterbury, enclosing a communication on the subject from the Bishop of Nova Scotia, the object of which was to shew, that the original title to the Glebe and School Lands in Prince Edward Island resided exclusively in the Church of England, and consequently that His Majesty's Government were bound, in equity, to appropriate the proceeds of the sale of those lands solely to Educational Establishments in connection with that Church.—That about the same time, an Address was received from the Assembly of Prince Edward Island, praying 'that the moneys arising from the sale of the Glebe and School Lands, under the said Act, may be placed at the disposal of the Local Legislature, on condition that the annual payment of the legal interest thereof be secured, by permanent enactment, on the general Revenue of the Colony, and applied exclusively towards the support and encouragement of Elementary Schools.'—That in answer to the Address from the Assembly, your Lordship transmitted to the Legislature of Prince Edward Island a copy of the letter from the Bishop of Nova Scotia, requesting them to state whether they concurred in or dissented from the Bishop's conclusion, and, in case of their dissent, to explain the grounds on which they proceeded. The Joint Answer of the Council and Assembly, controverting the arguments of the Bishop of Nova Scotia, was received in the month of May last, and was referred to the Bishop for his reply. That that reply reached your Lordship on the 25th of August. That your Lordship

## APPENDIX (C.)

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has since received a Petition from the Ministers and Elders of the Presbyterian Church in Prince Edward Island, on the subject of these Lands.

Your Lordship is pleased to transmit to us copies of the letter from the Bishop of Nova Scotia to the Archbishop of Canterbury, dated the 16th March, 1837—of the remarks on that letter by both branches of the Legislature of Prince Edward Island—of the Bishop's Answer to those remarks—of the Petition from the Presbyterian community—and of the Order in Council passed in 1767, for the Grants of Prince Edward Island, then called the Island of Saint John; and your Lordship is pleased to request, that we would take these papers into consideration, and, adverting to the arguments therein adduced—to the terms of the Order in Council of 1767—and to the extracts from the Instructions to the Governor of Prince Edward Island in 1769, quoted by the Bishop of Nova Scotia—that we would report to your Lordship our joint opinion, whether, as asserted by the Bishop of Nova Scotia, the title to the Church and School Lands, or to either, previously to the passing of the Act of 1835, resided exclusively in the Church of England, or whether—as maintained by the Colonial Legislature, and the Presbyterian body—those lands were applicable, from the first, to the support of other Christian communities, as well as the Church of England.

In obedience to your Lordship's commands, we have taken these papers into consideration, and have the honor to report, that, in our opinion, the Churches and Ministers contemplated by the Order in Council of 1767, and referred to in the clauses of reservation in the various Grants of Lands, are Churches and Ministers of the Church of England only. The reference to the Book of Common Prayer—to the administration of the Sacrament, according to the rites of the Church of England—and to the general superintendence of the Bishop of London—appears to us to be conclusive on this point. It must, however, be remarked, that the mere reservation of the land by the Crown, did not, of itself, give a title to the Church. Its effect was merely to keep the reserved property in the Crown, with the declared intention, however, of its being appropriated to the Church of the District, when such Church should be built. In all cases, therefore, where churches have been, or shall be, built, on the faith of such reservation, the Minister appears to us to have an equitable, if not a legal, title to the Land reserved; but until a Church is built, no person has any title whatever against the Crown. The only title adverse to the Crown is the possible title of the Minister of the District, for which the reservation was made, in case there ever should be such Minister; and not a title in the Church, considered abstractedly in the nature of a corporate body.

With respect to the Lands reserved for founding Schools, we do not think that the Church has any ground whatever to contend for a right to that land, or that the Crown is under any obligation whatever to confine the Schools for Schools for the benefit of persons in communion with the Church of England.

We should add, that, in giving this opinion, we assume that no appropriation has been made beyond the reservation in the different Grants.

We have, &c.

(Signed)

J. DODSON.  
J. CAMPBELL.  
R. M. ROLFE.

The Lord Glenelg.

# APPENDIX

## [D.]

(SEE PAGE 13.)

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No. 1.

[*Separate.*]

Government House, Prince Edward Island, 8th January, 1838.

My Lord,

I regret to have to inform your Lordship, that in addition to the question of Escheat, another fruitful source of agitation has recently arisen among the settlers in this Island with reference to the Reserves for Fisheries, contained in the original Grants. I therefore feel it necessary to lose no time in bringing this subject before your Lordship, as clearly and concisely as lays in my power.

I would first call your Lordship's attention to the Order in Council, under which the original Grants were issued. It is as follows:

"That in order to promote and encourage the Fishery, for which many parts of this Island are conveniently situated, there be a clause in the Grant of *each Township* that abuts upon the sea shore, containing a reservation of liberty to all His Majesty's subjects in general of carrying on a free Fishery on the coasts of the said Township, and of erecting stages and other necessary buildings for the said Fishery, within the distance of Five hundred feet from high water mark."

I have enclosed, for your Lordship's information, a Return shewing the several Reserves for this purpose, contained in the different Townships, from which it will appear that the reservation as contemplated in the Order in Council, has been strictly followed in only twelve Townships. In thirty-two Townships the Reservation is as follows:

"And further saving and reserving *for the disposal of His Majesty, his heirs and successors*, Five hundred feet from high water mark on the coast of the tract of land hereby granted, to erect Stages and other necessary buildings for carrying on the Fishery."

Of the remaining twenty-three Townships, eighteen contain *no Fishery Reservation*, and of five, no Grants whatever are on Record.

By reference to a plan of the Island annexed to the Return, your Lordship will perceive that several of the Townships which do contain Reservations abut upon rivers only, or more strictly speaking, narrow arms of the sea.

All the Islands on the coast contain Reservations agreeably to the Order in Council. The Proprietors have hitherto exercised acts of ownership over these Reserves, by including them in their Leases to their Tenants, or otherwise absolutely disposing of the fee simple with the adjacent lands. I should here observe that most of the Leases contain a clause subjecting the Tenants to all the conditions of the original Grants.

The Colonial Government has, in a few instances, in cases where *the Reservation is to the Crown*, exercised authority over them, by granting Licenses of Occupation in the terms of the Grant to persons engaged in the Fisheries, as will appear by the Return enclosed. Since my arrival in the Colony, I have taken upon myself to grant licenses of occupation of these Reserves in two cases where the applicants were *freeholders*, to the extent of the fronts of their farms. I have also had numerous applications made to me very recently by *Tenants* for similar licenses; but, conceiving that these licenses were to be used with a view of defeating the Landlord's claim for rent, and not for the *bona fide* purpose of carrying on a Fishery, I have declined issuing any further licenses, until I receive your Lordship's instructions on the subject.

## APPENDIX (D.)

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It is proper that I should call your Lordship's attention to a correspondence which took place between Mr. Robert Stewart, Lord Goderich, Lord Stanley, and Sir Aretas W. Young, on the subject of these Reserves, dated 22d March, 1833; 25th do., No. 17; 22d May, No. 48; 24th do., No. 49; 6th Nov., No. 6.

The records of this correspondence will, of course, be found in your Lordship's Office; but it may save some trouble, if I briefly recapitulate the most material points.

The first letter of this correspondence which appears on record here, is one from Mr. Robert Stewart, under date the 22d March, 1833, in which he agrees to accept a lease of the Fishery abutting on his property, at a reasonable rate. This letter is transmitted in a Despatch from Viscount Goderich to Sir A. W. Young, dated the 25th March, 1833, No. 17, wherein he is authorized to grant to Mr. Stewart, "or to any other Proprietor similarly circumstanced, who may apply to him, a lease on equitable conditions, of such portions of the space of five hundred feet above high water mark reserved to the Crown, as may border on the property of the persons applying to him."

In reply, Sir A. W. Young, under date the 22d May, 1833, No. 43, and in a subsequent Despatch of the same date, No. 49, to which I would especially call your Lordship's attention, explains why the Crown in many cases has not the power of granting leases of these Reserves, and very forcibly states his reasons why it would be highly impolitic to grant leases to the Proprietors, *were it even in its power* to do so, except for a *very* limited period; and therefore took upon himself to suspend any finite measures on the subject till further orders were received. The view Sir A. W. Young here takes of the case, met the approval of Lord Stanley, then Secretary of State, who in a Despatch dated the 6th November, 1833, No. 61, thus expresses himself—"I have the honor to convey to you my approbation of your decision under the circumstances stated by you, to suspend the execution of the Earl of Ripon's instructions on the subject."

The question of these Reserves has latterly been much and frequently discussed throughout the Island, and has been the main subject of more than one public meeting, in which the determination I have come to not to grant further licenses until I receive your Lordship's commands, has been the cause of some animadversion.

As the applications for licenses are likely to be renewed, and with more plausibility, at the commencement of the Fishing season in May, I would take the liberty of requesting your Lordship's instructions at your earliest convenience. But I would at the same time press upon your Lordship's attention the impolicy, under any circumstances, of relinquishing those Reserves which are in the Crown to the Proprietors, as I am firmly convinced such a measure would not only tend to increase the present excitement against the Proprietors themselves, but also to weaken the strong attachment now felt by the Colonists to the Mother Country.

I have, &c.

(Signed)

CHARLES A. FITZ ROY, Lieut. Governor.

The Right Honorable Lord Glenelg.

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### No. 2.

No. 43.

DOWNING STREET, 10th May, 1838.

SIR,

Your Despatch of the 8th of January last, marked "Separate," relative to the applications which have at different times been addressed to the Crown and the local Government, for Grants of the Reservations on the Sea coast of Prince Edward Island, reached me on the 25th ultimo.

I have not failed to devote my serious attention to this important subject, and to review the correspondence of my predecessors regarding it—and I beg to express my thanks for the perspicuous manner in which, in your Despatch, you have brought it before me.

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It appears to me that the reservation made of lands adjacent to the Sea coast, or to the shores of inlets from the Sea, for the purpose of Fishing, so far as the right has been reserved to the Queen's subjects collectively, constitute a property over which the power of the Crown is exceedingly questionable. These lands would appear to have been dedicated to the use of the public for this special purpose, and that dedication of them seems to be irrevocable; but in cases where the lands have been reserved to the Crown, they must be considered as forming part of that Territorial Revenue, which should be employed in the public service, in whatever manner may be most compatible with a prudent and economical use of them. I am of opinion that such reserved lands ought not to be alienated in perpetuity, or for any considerable length of time, but that they should be put up for Auction, at a fair upset price, to be let, either for each Fishing season, or at most for one or two seasons in advance; or, if the demand of a rent would impede the Fisheries of the Island, then that they should be thrown open to all British subjects engaging in those Fisheries, which might be regulated by such Laws as might be found necessary for preventing improvident and injurious practices in carrying them on. I concur with you and with Sir Aretas W. Young, in deprecating any such disposal of these lands as would secure to the proprietors or Tenants of the adjacent soil, the exclusive possession of those facilities which are necessary for engaging in the Fisheries of Prince Edward Island.

I have, &c.

(Signed)

GLENELG.

Sir Charles A. Fitz Roy, &c. &c.

### No. 3.

No. 27.

GOVERNMENT HOUSE, Prince Edward Island, 26th July, 1838.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's letter, of the 10th of May last (No. 43), replying to my Despatch of the 8th of January, on the subject of the Fishery Reserves on the shores of this Island.

With reference to your Lordship's suggestion, that in cases where these Reserves remain in the power of the Crown, they should either be put up to Auction, at a fair upset price for each Fishing season, or at most for one or two seasons in advance, or thrown open to all British subjects engaging in these Fisheries—I would strongly recommend that they should be thrown open to all Her Majesty's subjects engaging in these Fisheries, which would place them on the same footing as the other reservations on the Sea coast of the Island, and fulfil the evident intentions of the Royal Instructions, of the 4th August, 1769. I am of opinion, that the leasing of these reservations, even for a short period, would be a considerable impediment to the Fisheries of the Island—while such a measure would cause a very trifling increase to its Revenue. Should your Lordship approve of my recommendation, I beg to suggest that I may be authorized to give publicity to this decision of Her Majesty's Government, taking care, of course, to place the reservations now in question, under the same conditions and restrictions as those which have always been reserved for the use of all British subjects engaged in the Fisheries.

I have, &c.

(Signed)

CHAS. A. FITZ ROY, Lt. Governor.

The Right Honorable Lord Glenelg, &c. &c.

### No. 4.

No. 66.

DOWNING STREET, 14th September, 1838.

SIR,

I have received your Despatch (No. 27), of the 26th of July, recommending the adoption of the alternative suggested in my Despatch, of the 10th May last (No. 43), of throwing open the Fishery Reserves on the shores of Prince Edward Island to all British subjects engaging in the Fisheries.

I have to convey to you my authority for carrying this measure into effect, in the manner which you propose.

I have, &c.

(Signed)

GLENELG.

Lt. Governor Sir Charles A. Fitz Roy, &c. &c.

# APPENDIX (D.)

## No. 5.

*RETURNS of the RESERVATIONS for CARRYING ON a FISHERY,  
Contained in the Original Grants of the several Townships of Prince Edward Island.*

No. of Township.	BY WHOM GRANTED.	NATURE OF RESERVES.	REMARKS.
1	Lord William Campbell, Governor of Nova Scotia.	" And further saving and reserving, for the disposal of His Majesty, his Heirs and Successors, 500 feet from Highwater mark, on the Coast of the tract of Land hereby granted, to erect Stages and other necessary Buildings for carrying on the Fishery."	
2	Walter Patterson, Lt. Governor of P. E. Island.	" And further saving and reserving a free liberty to all His Majesty's subjects, of carrying on a free Fishery or Fisheries, on any part or parts of the Coast of said Township, and of erecting Stages and other necessary Buildings, for the said Fishery or Fisheries, within the distance of 500 feet from Highwater mark."	
3	Lord William Campbell, Governor of Nova Scotia.	Reservation the same as Township No. 1.	
4	" "	" "	
5	" "	" "	
6	" "	No Reservation in Original Grant.	
7	" "	Reservation the same as Township No. 1.	
8	No Grant on Record.		
9	Edmund Fanning, Lt. Governor of P. E. Island.	Reservation the same as Township No. 1.	
10	Walter Patterson, Lt. Governor of P. E. Island.	Reservation the same as Township No. 2.	
11	Lord William Campbell, Governor of Nova Scotia.	No Reservation in Original Grant.	
12	No Grant on Record.		
13	Michael Franklin, Lt. Governor of Nova Scotia.	Reservation the same as Township No. 1.	
14	Lord William Campbell, Governor of Nova Scotia.	" "	
15	Walter Patterson, Lt. Governor of P. E. Island.	Reservation the same as Township No. 2.	*Escheated, and regranted in small quantities, with no Reservation for Fisheries.
16	" "	" "	
17	Lord William Campbell, Governor of Nova Scotia.	No Reservation in Original Grant.	
18	" "	Reservation the same as Township No. 1.	
19	Lord William Campbell, Governor of Nova Scotia, & P. Callbeck, Lieut. Governor of P. E. Island.	Reservation the same as Township No. 2.	Grant from Lord Wm. Campbell, dated 24th June, 1769. Do. from Philip Callbeck, dated February 2, 1777.
20	No Grant on Record.		
21	Walter Patterson, Lt. Governor of P. E. Island.	Reservation the same as Township No. 2.	
22	Edmund Fanning, Lt. Governor of P. E. Island.	Reservation the same as Township No. 1.	
23	Walter Patterson, Lt. Governor of P. E. Island.	Reservation the same as Township No. 2.	
24	Lord William Campbell, Governor of Nova Scotia.	Reservation the same as Township No. 1.	
25	No Grant on Record.		
26	Lord William Campbell, Governor of Nova Scotia, & Walter Patterson, Lt. Governor of P. E. Island.	No Reservation in Original Grant. Reservation the same as Township No. 2.	Grant from Lord Wm. Campbell, dated Dec. 31, 1769. Do. from Walter Patterson, dated Oct. 5, 1769.
27	Lord William Campbell, Governor of Nova Scotia,	No Reservation in Original Grant.	
28	" "	" "	
29	" "	" "	
30	" "	Reservation the same as Township No. 1.	
31	" "	No Reservation in Original Grant.	
32	" "	" "	



# APPENDIX (D.)

No. of Township.	BY WHOM GRANTED.	NATURE OF RESERVE.	REMARKS.
33	Lord William Campbell, Governor of Nova Scotia.	Reservation the same as Township No. 1.	
34	" "	" "	Grant from Lord Wm. Campbell, dated Dec. 31, 1768. Do. from Walter Patterson, dated Oct. 5, 1769.
	and Walter Patterson, Lt. Governor of P. E. Island.	Reservation the same as Township No. 2.	
35	Lord William Campbell, Governor of Nova Scotia.	Reservation the same as Township No. 1.	
36	" "	" "	
37	" "	" "	
38	" "	" "	
39	" "	" "	
40	" "	" "	
41	" "	" "	
42	" "	" "	
43	Walter Patterson, Lt. Governor of P. E. Island.	Reservation the same as Township No. 2.	
44	No Grant on Record.		
45	Walter Patterson, Lt. Governor of P. E. Island.	Reservation the same as Township No. 2.	
46	No Grant on Record.		
47	Walter Patterson, Lt. Governor of P. E. Island.	Reservation the same as Township No. 2.	
48	Lord William Campbell, Governor of Nova Scotia.	No Reservation in Original Grant.	
49	" "	" "	
50	" "	Reservation the same as Township No. 1.	
51	" "	" "	
52	" "	No Reservation in Original Grant.	
53	Walter Patterson, Lt. Governor of P. E. Island.	Reservation the same as Township No. 2.	
54	Lord William Campbell, Governor of Nova Scotia.	Reservation the same as Township No. 1.	
55†	" "	" "	†Escheated, and regranted in small quantities, with no Reservation for Fisheries. §Grant from Lord Wm. Campbell, dated Aug. 9, 1769. Do. from Edmund Fanning, dated Oct. 9, 1804.
56§	" "	" "	
	and Edmund Fanning, Lt. Governor of P. E. Island.		
57	Lord William Campbell, Governor of Nova Scotia.	No Reservation in Original Grant.	
58	" "	" "	
59	Walter Patterson, Lt. Governor of P. E. Island.	Reservation the same as Township No. 2.	
60	Lord William Campbell, Governor of Nova Scotia.	No Reservation in Original Grant.	
61	Edmund Fanning, Lt. Governor of P. E. Island.	Reservation the same as Township No. 1.	
62	Lord William Campbell, Governor of Nova Scotia.	" "	
63	Michael Franklin, Lt. Governor of Nova Scotia.	" "	
64	Lord William Campbell, Governor of Nova Scotia.	" "	
65	" "	No Reservation in Original Grant.	
66	Walter Patterson, Lt. Governor of P. E. Island.	" "	
67	Lord William Campbell, Governor of Nova Scotia.	" "	

## APPENDIX (D.)

### RETURN of LICENCES GRANTED in PRINCE EDWARD ISLAND,

*Of the Reserves contained in the Original Grants of the Townships thereof,  
for carrying on Fisheries.*

DATE.	BY WHOM GRANTED.	TO WHOM.	NATURE OF LICENCE.
20th April, 1814.	Lt. Governor Smith,	Alexr. Le Seur.	"To hold, occupy and enjoy, a piece of ground called <i>Orby Head</i> , on Township No. 24, 500 feet from highwater mark, and extending along the coast 85 chains, for so long a time as the said Alexander Le Seur shall carry on a Fishery."
22d July, 1820.	Ditto,	Richard Rollings,	"Given, granted and confirmed to Richard Rollings, his Heirs and Assigns forever, subject to the conditions and reservations mentioned in His Majesty's Royal Instructions, relating to Fisheries to be carried on upon the coasts of the said Island—the same to be kept and performed by the said Grantee, his Heirs and Assigns, during the continuance of this Grant."
23d April, 1829.	Lt. Governor Ready.	Geo. Clark & another,	"To hold, occupy, possess and enjoy a part of the shore of <i>Peter's Island</i> , Rustico, extending back 500 feet, as a place for carrying on a Fishery, so long as the said George Clark & another, their Heirs and Assigns, shall actually carry on and conduct a Fishery on the said premises—to cease, determine and be void, if they shall cease from so carrying on or conducting the same for a longer period than 8 months at any one time."
3d Feb. 1832.	Lt. Governor Young.	Benjamin Bass,	The same tenor, and under the same conditions as the foregoing, to Clark & another—1½ acres, on Township No. 45.
4th July, 1837.	Sir Chas. A. Fitz Roy.	Charles Davy,	Ditto, Ditto, 17 chains of the coast of Township No. 64, being the front of his farm—a freehold.
" "	Ditto,	David Hugh.	Ditto, Ditto, 11 chains of ditto, being as above.

# APPENDIX

[E.]

(SEE PAGE 18.)

No. 1.

No. 67.

[COPY.]

Downing Street, 15th September, 1838.

SIR,

I have had under my consideration the Act passed by the Legislature of Prince Edward Island, on the 7th April last, "for regulating the several Jails within the Island, and establishing Prison Discipline therein."

On comparing the provisions of this Act with those of the English Jail Act of 1823, I find that many important regulations, contained in the latter, have not been adopted by the Island Legislature, and I shall therefore abstain from advising Her Majesty to assent to this Act, until the Council and Assembly shall have had an opportunity of considering the amendments which the Law seems to require.

I proceed to point them out, and I enclose, for the convenience of reference, a copy of the Imperial Act 4 Geo. 4, cap. 64.

1. It should be imperative on the Keeper of a Prison, when visiting Female Prisoners, to be always accompanied by the matron, or, in her unavoidable absence, by some Female Officer of the Prison (Rule 3, p. 776.)

2. The classification of the Prisoners should be carried still further. For instance, care should be taken that persons committed on charge or suspicion of Felony be invariably kept apart from persons committed on charge or suspicion of misdemeanors and minor offences; and a like separation should be enforced of persons convicted of Felony, from those convicted of misdemeanors. Witnesses should also be kept apart from all other Prisoners (Rule 6, p. 776.)

3. Provision should be made for the regular employment of convicted and other Prisoners. On this head the Act is silent (Rules 5 and 8, p. p. 776—777. Also sec. 37 and 38, p. 789.)

4. The regulations with regard to the food, bedding, clothing, and cleanliness of Prisoners, should be more explicit and stringent (Rules 13, 14, 17, 18 and 19, p. p. 777, 8, 9.)

5. Provision should be made for the performance of religious services, by a Chaplain, or other appointed Officer (Rules 9, 10, p. 777. Also, sec. 30, 31, and 34, p. 780, 787, and 788.)

6. The means of instruction ought to be afforded to the prisoners, and enforced (Rule 10, p. 777.)

7. Garnish money should be strictly prohibited (Rule 23, p. 779.)

8. Copies of the Rules and Regulations should be exhibited, in conspicuous places, in every Prison, for the information of the Prisoners (Sec. 12, p. 780.)

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

Lieutenant Governor

Sir Charles A. Fitz Roy, &c. &c.

## APPENDIX (E.)

### No. 2.

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor of Prince Edward Island.

#### *Report of the Visiting Magistrates of Charlottetown Jail.*

SIR,

The Legislature, by the late Act for establishing a system of Prison Discipline in the Jails of this Island, having adopted such minute and judicious regulations for that purpose, renders it unnecessary for us to enter into the respective merits of the different systems which have been recommended or introduced in other countries.

While the Act referred to recognizes the punishments of the Prisoner, it devises with anxious care the means apparently the best adapted for his moral improvement.

With this view the Government has adopted so much of that system which requires the separation and classification of the Prisoners, as appeared practicable in the present building, and which has been reduced to practice on a more extensive scale with much success, both in England and the United States. Your Excellency must be aware, that carrying the views of the Legislature into effect, some alterations must be necessary in the arrangements of a building erected without reference to an improved system of Prison Discipline, and in calling your Excellency's attention thus early to some of the most striking difficulties, under which the present management of the Jail is labouring. We have done so, under the conviction that no improvement in the system can be effected without their immediate removal.

We therefore beg leave to report to your Excellency that the following additions and alterations are requisite, and recommend their adoption without delay:

1st. That we consider the present Jail allowance of 1 lb. of biscuit per diem, to Criminals insufficient, and that an addition of  $\frac{1}{4}$  lb. of Oatmeal, with a suitable quantity of Molasses, ought to be added to each day's allowance.

2d. That a Matron should be permanently appointed to superintend the Female Prisoners, in terms of the 2d Section of the Act.

3d. That a piece of ground at the North end of the Jail should be enclosed, for the purpose of allowing the Female Prisoners to take air and exercise, and appropriated solely to their use.

4th. That 2 Solitary Cells, with small windows, should be made in room No. 8.

A Partition and Door in No. 7.

An outer Door and Porch to connect No. 7, with the enclosure referred to in No. 3.

Four sleeping Cells in No. 9.

A Partition to divide the present Solitary Cell into two apartments, and a partition with door to divide the passage below.

5th. That it appears necessary that Debtors and Criminals should have separate Yards for taking air and exercise, and for that purpose the remainder of the grounds which surrounds the Jail should be enclosed.

6th. That a sufficient number of Bibles should be ordered for the use of the Prisoners.

We trust that these suggestions will meet your Excellency's approval, and

Have the honor to be, Sir,

Your Excellency's most obedient servants,

J. M. HOLL.

WM. MACINTOSH.

Charlottetown, 30th April, 1838.

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## APPENDIX (E.)

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### No. 3.

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor of Prince Edward Island.

*Additional Report of the Visiting Magistrates of Charlottetown.*

SIR,

In our Report of the 30th April, recommending certain alterations in the Jail, we find, after having received an estimate for the same, that the funds voted by the House of Assembly were insufficient to accomplish the object. We, therefore, have revised our former Report, and beg leave to restrict the same at present to the articles which we have annexed, and which are contained in the estimates herewith transmitted.

We take this opportunity also to call your Excellency's attention to the section of our former Report, respecting an addition to the Prison allowance of Food, which we have no doubt you will order to be carried into effect without delay.

We have the honor to be, Sir,

Your Excellency's most obedient servants,

WM. MACINTOSH,  
JOHN M. HOLL.

Charlottetown, 4th June, 1838.

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### No. 4.

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor of Prince Edward Island.

*Report of the Visiting Magistrates of Charlottetown Jail, 1st January, 1839.*

SIR,

Having been appointed by your Excellency, Visitors of the Jail in this Town, for the purpose of carrying the intentions of the new Jail Act into effect, we made a careful examination into the state of the Prison, the result of which was detailed in a Report, which we had the honor to transmit to your Excellency on the 28th April last.

At that period there were in the Jail 18 Debtors, 3 Male, and 2 Female Prisoners; and in order to fulfil the design of the Legislature, it was necessary for us to recommend that considerable alterations should be made in the arrangements of the Jail. Your Excellency having approved of these alterations, we have much pleasure in stating that they are now completed, and the new system of Prison Discipline is in operation.

The principal points to which we then directed your Excellency's attention, were—

- 1st. A small additional allowance of Food to the Prisoners.
- 2d. That a Matron should be appointed to superintend the Female Prisoners.
- 3d. That a piece of ground at the North end of the Jail should be enclosed, for the purpose of allowing Female Prisoners to take air and exercise.
- 4th. That 2 Solitary Cells, and 4 small Sleeping Cells should be constructed, with a partition wall to divide the present Cell into two apartments.
- 5th. That a sufficient number of Bibles should be ordered for the use of the Prisoners.
- Lastly. That a set of Books for recording the transactions of the Jail should be ordered.

## APPENDIX (E.)

We beg to remind your Excellency, that in confining our report to the above alterations, we were quite aware that much more was necessary to carry out fully the intention of the Legislature; but as the funds did not warrant a greater outlay, we necessarily confined our attention to those arrangements which were more immediately required.

The additional allowance of Food which has been ordered for the Prisoners was absolutely necessary, and has been gratefully received by them, while the appointment of a Matron was so much needed, that the duties of that office had in point of fact been previously performed by the Jailer's wife, with much credit to herself, and without any prospect of remuneration.

The Female Prisoners having now a separate airing ground for themselves are removed from temptations, the evil consequences of which, while intermingled with the Male Prisoners, required the utmost vigilance of the Jailer to prevent.

The Cells for solitary confinement, and the separate sleeping apartments, were also indispensable, without which, indeed, no system of Prison Discipline could be enforced.

In looking forward to further improvements, we trust that provision will be made by the Legislature for enclosing another piece of ground, in order that Debtors and Criminals may be completely separated. We would also respectfully recommend that some steps should be taken to obtain Divine Service for the Prisoners once a week.

We might suggest to your Excellency many rules of Discipline which are deemed necessary for the Jails at home; but, while we are satisfied with the practical working of the present rules, we would question very much the policy of accumulating regulations, which, however requisite in crowded Jails, are not essentially necessary for the state of crime here.

We have much satisfaction in reporting to your Excellency, that on the 28th June last (the day of the Coronation of our Gracious Sovereign), the doors of the Prison were thrown open, on which occasion 5 Criminals received your Excellency's pardon, 4 Debtors were discharged in consequence of their Debts being paid by public subscription, and the fifth through the benevolence of a private individual who paid the claims against him.

There are at present only one Male and two Female Prisoners in the Jail.

In reviewing our proceedings for the past year, we have to acknowledge the assistance we have received from your Excellency in the discharge of our duties, and the frank and ready communications with which you have been pleased to honor us when any difficulty occurred. We also feel it a duty to notice the attention paid by Dr. De St. Croix to the patients under his charge.

We have the honor to be, Sir,

Your Excellency's most obedt. humble servants,

JOHN M. HOLL,

WM. MACINTOSH.

P. S.—We must not omit that we have much reason to be satisfied with Mr. Hutchinson's (the Jailer) attention to his duties, and his general good conduct.

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### No. 5.

#### *Report of the Visiting Magistrates of Georgetown Jail.*

Georgetown, August 31st, 1838.

SIR,

We the undersigned Magistrates appointed to visit the Jail at Georgetown, beg to submit to His Excellency the Lieutenant Governor the following Report; and in doing so, they have much pleasure in being able to state, that during the last quarter, or rather since their appointment as Visiting Magistrates, no Pri-

## APPENDIX (E.)

soners have been in confinement for criminal offences, and that two persons for small debts (and one of them for the short period of 8 days,) have been the only Prisoners in confinement during that time.

That on the 14th of June we examined the building, rooms, cells, bedding, &c. there being no Prisoners in confinement, the Rooms and Cells were clean, but the walls much discoloured with smoke, and the bedding much worn, and required washing and mending.

We deemed it necessary that the Rooms and Cells should be whitewashed, and the bedding washed and repaired, and gave directions that such should be done.

Only two of the Cells are finished, and fit for the reception of Prisoners, and those are in the front of the building, where persons sentenced to solitary confinement (if any such there should be,) could not be prevented from conversing with persons outside.

We therefore humbly beg to suggest to His Excellency the Lieutenant Governor the propriety of having all the Cells finished, and the inside of the Jail painted.

On the 17th of July we again visited the Jail, found it clean and the walls whitewashed, and one person John Murphy, in confinement for small Debt.

On the 22d July, at the request of the Jailer, Mr. Mackay visited the Jail, to inquire into the circumstance of John M'Isaac, a debtor confined under a Capias Execution, issued by W. B. Aitken, Esq., J. P. when it was ascertained that the said debtor was without means to support himself in Prison, and it was deemed necessary that the Prison allowance should be furnished to him, with the addition of porridge for breakfast, which the Jailr was directed to supply.

We again visited the Jail on the 14th of August, examined the Rooms and Cells, and directed the Jailer to be attentive in having them kept clean, and in every particular to attend to the requirements of the Act of the Legislature respecting Prison Discipline.

All which we beg to submit.

THOMAS OWEN,  
WILLIAM MACKAY.

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No. 6.

### *Report of the undersigned Magistrates, appointed to visit the Jail at Georgetown, in King's County.*

Georgetown, November 30th, 1838.

We the Magistrates appointed to visit the Jail in Georgetown, in making our Report for the quarter ending this day, beg to submit to His Excellency the Lieutenant Governor the following:

That on the 13th and 22d of September we visited the Jail, and examined the different Rooms and Cells. and impressed upon the Jailer the necessity of keeping every part of it clean and in proper order. On the 18th of October, we again visited the Jail at the request of the Jailer, he having the day previous received Tom Williams, an Indian, committed by the Coroner, charged with the crime of Murder; the said Tom Williams having been delivered in the Jail in an unclean state in Irons, and with barely sufficient clothing to cover him, we deemed it prudent and necessary to direct the tattered clothes he had on to be destroyed, and a coarse jacket and trowsers, and two shirts, to be provided for him, and directed the Jailer to insist on the man using every means to effect cleanliness, and that he be freed from his Irons.

Contracted this day for the lining of the two Cells in the rear of the lower story, for the sum of £15, as authorised by His Excellency the Lieutenant Governor.

## APPENDIX (E.)

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On the 27th we were again called upon to visit the Jail, in consequence of John Murphy, a prisoner confined for debt, being dangerously ill. This prisoner is an old infirm man, who has been receiving the Jail allowance since he was confined, from his inability to provide for his subsistence, and who appeared exceedingly ill and exhausted from a severe cough and fever.

We directed that Medical aid be obtained, and that proper care and nourishment be provided for him as speedily as possible.

November 10th, we visited the Jail, Cells, &c. &c. and found them clean and in order, but Murphy still confined to his bed and very unwell.

We this day visited the Jail, and examined the rooms, cells, &c. John Murphy, though somewhat recovered, remains still unwell. Tom Williams for some time past has given indications of a deranged intellect, and on opening his cell this day, he appeared at the door armed with a piece of firewood, rose for the purpose of striking, but on his recognizing the Magistrates he seemed ashamed, and on being informed that if a similar attempt was again made, that he would be put in Irons; he appeared to comprehend, and promised a different line of conduct.

During the last quarter, four persons have been in confinement for short periods for debt, and four seamen have been confined one week each, for neglect of duty.

In submitting the foregoing statement for the information of His Excellency the Lieutenant Governor, the undersigned feel gratified that during the period to which it refers, no person has been committed for or charged with a criminal offence in the County (except the unfortunate Indian before alluded to.)

THOMAS OWEN,  
WILLIAM MACKAY.

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### No. 7.

ST. ELEANOR'S, October 1st, 1838.

SIR,

For the information of His Excellency the Lieutenant Governor, we beg leave to report, in reference to the Jail at this place, that during the Quarter just past, there have been no prisoners committed, as far as our information extend.

We have further to state, that the internal regulations of the Jail are such as to merit our entire approbation.

We have, &c.

(Signed)

SAMUEL GREEN,  
WILLIAM SCHURMAN,  
Visiting Magistrates.

J. P. Collins, Esq., Colonial Secretary.

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### No. 8.

ST. ELEANOR'S, January 1st, 1839.

SIR,

We the undersigned beg to submit the following as our Report, for the information of His Excellency, of the state of the Jail, &c. at St. Eleanor's, for the Quarter ending 31st December, 1838.

Joseph Goody, sentenced October 3d, by Supreme Court, for three months, for Felony.

October 4th—Edward Briant, on execution by C. Pope, Esq. for £1 9s. 4d., discharged, debt satisfied October 20th.



## APPENDIX (E.)

October 21st—Cath. Macdonald, Marian Macdonald, and Angus Macdonald, committed for Sheep stealing by John Wright, Esq.

October 28th—The three Macdonald's liberated on bail by John Wright, Esq. There is no person in Jail now except Joseph Goody, whose time will expire to-morrow.

And we beg leave further to state, that the said Jail has been conducted to our satisfaction up to this date.

SAMUEL GREEN, J. P.

WM. SCHURMAN, J. P.

To J. P. Collins, Esquire.

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No. 9.

*To the Chief Justice of the Supreme Court.*

My Lord,

Having in discharge of our duty deemed it necessary to inspect the Jail, we feel sincere gratification in being able to approve of the state in which it is kept, and of the judicious alterations lately recommended by the Visiting Magistrates, many of which are now completed. We feel it a duty incumbent on us, in reference to these alterations, to notice the warm zeal and interest which His Excellency the Lieutenant Governor has shewn, not only in providing the best information on the subject, but in his unwearied attentions to the improvement of the Jail.

We particularly approve of the strict regulations for the separation of the male and female prisoners, and of the plan now completed for allotting a separate airing ground for each class—and as we understand that a recommendation has been made by the Visiting Magistrates to effect a separation between the debtors and criminals, also by affording to each a separate yard, we trust that the Legislature will provide the necessary funds to carry this alteration into effect without delay.

The regulations adopted for the separation of the Prisoners, before and after trial, also meets with our entire approbation; and we have every reason to be satisfied with the attention of the Jailer, in performing his important duties.

We would, however, strongly recommend that some more efficient system of religious instruction, for the benefit of the prisoners, should be adopted, by performing religious service in the Jail once every week—and as the prisoners belong to various religious denominations, we would respectfully recommend that instead of the Chaplain being selected exclusively from the Church of England, the Visiting Magistrates should be empowered and directed to obtain the religious services of the different Clergymen of this town, in order that this important duty may not be neglected.

For self and fellows,

DONALD MACDONALD, Foreman.

Grand Jury Room, 5th January, 1839.

A true Copy.

DANIEL HODGSON, Prothonotary.

# APPENDIX

## [F.]

(SEE PAGE 18.)

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[ COPY. ]

DOWNING STREET, 24th October, 1838.

SIR,

The attention of Her Majesty's Government having been directed to the great importance, both to Great Britain and to her possessions in North America, of establishing a direct communication, by Steam, between the two Countries, it is in contemplation to substitute Steam Packets for the sailing Vessels now employed in the conveyance of the Mails between this country and Halifax.

The Lords Commissioners of the Admiralty have, accordingly, been instructed to advertize for Tenders for this service.

The arrangement—if it can be concluded—will probably take effect about the commencement of next Spring.

The Post Master General will, in the mean time, direct the local Post Office authorities to turn their attention to the line of communication between Quebec and Halifax, with a view to increased expedition, and also to make the requisite preparations for supplying, when the alteration is to be carried into operation, every facility, and using every proper caution, in order to give full effect to the proposed arrangement.

Her Majesty's Government trust that the contemplated measures, involving as they do considerable additional expenditure, will prove beneficial to the public, and give satisfaction to those Colonies.

The co-operation of the respective Legislatures is essential to the complete attainment of the advantages anticipated. I have, therefore, to desire, that you will, on the opening of the next Session of the Legislature of your Government, submit the matter for their consideration, and invite them to co-operate in improving the communication with Halifax, and to afford such other facilities as may depend on those bodies.

I have further to request, that, you will endeavour, before their meeting, to collect the necessary information for the guidance of the Legislature, and that you will render every assistance in your power to further the views of Her Majesty's Government.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

Sir Chas. A. Fitz Roy, &c. &c.

# APPENDIX

(G.)

(SEE PAGE 19.)

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## *Report of the Visiter of the District Schools of Prince Edward Island, March 31st, 1838.*

*To the Members of the Board of Education, Charlottetown.*

GENTLEMEN;

I have the honor of submitting to you, in the following abstract, a view of the state of the District Schools throughout the Island.

Having in my first Report laid before you all the information which I could collect upon the state of Education generally, and so short a space of time having since elapsed, (during which, however, I was happy to observe a marked improvement in the state of several Schools,) I have now but little new or interesting to communicate on the subject.

In several Districts where heretofore but little interest has been evinced in educating the rising generation, I found several good schoolhouses in the course of erection, and an anxious desire on the part of the inhabitants to procure the services of qualified and efficient teachers.

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### QUEEN'S COUNTY.

*Lot No. 34, St. Peter's Road.*

ROBERT ROBERTSON, Teacher, January 10th, 1838.—Visited this School to-day; the number of Scholars on the Teacher's list is 45, of whom 35 were present. A class of 15 read in the Introduction to the English Reader, with much correctness. 24 Writers were present, and 20 in Arithmetic. In all the branches taught at this School, considerable improvement was apparent in those children whose attendance had been most regular. In writing, very great proficiency had been made; and a class of six, who were examined upon Arithmetic, shewed a correct and accurate knowledge of the most useful rules of that branch. The method of teaching pursued in this School is good, the children being classed together according to their several capacities and the progress they make, and all well exercised upon the meaning of the different words and passages they read, and much care is bestowed upon their acquiring a just pronunciation; and the good order and discipline which prevails in the School tends greatly to facilitate the progress of the Scholars. The Schoolhouse is commodious and sufficient.

*Lot No. 32, Dog River, District School.*

MALCOLM DARRACH, Teacher, Jan. 5th.—The number attending this School is 45, all of whom were present. The greater number of these had made rapid progress since their last examination in Arithmetic and Reading, and 2 were advanced in English Grammar. The same good improvement was not manifest in the writing of the Scholars; this appeared to be owing more to a want of suitable desks than to any inattention on the part of the Teacher. Schoolhouse comfortable, but not sufficiently large.

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### *Lot 31, Elliot River.*

DONALD LAMONT, Teacher.—Present at the examination of this School 20. The proficiency which has been made in all the branches in this School is highly creditable to Teacher and Scholars. Those in the highest classes displayed a most correct knowledge of English Grammar, and were all well acquainted with the principal rules of Arithmetic; these also, read and recited portions of the English Reader, both in Poetry and Prose, with great correctness; and of those examined in Arithmetic, the greater part gave ready and correct answers to the different questions put to them—a proof of their being well grounded and frequently exercised in that useful branch of Education. This Schoolhouse is sufficient.

### *Lot 33, Lytchett Mills.*

ALEXANDER M'CABE, Teacher.—The number attending this School is 25, present 20. The more advanced of these, reading in the Testament and forming a class of 9, read and spelled in general well; the remainder read in the elementary books; several had made some progress in writing, and 6 of those present were learning the primary rules of Arithmetic. Although none of those present were much advanced, yet the greater number who had commenced their first stage of education with this Teacher, had made good proficiency for the time taught, and all went through their lessons in a very orderly manner. The Schoolhouse here is good and sufficient.

### *Lot 48, District School.*

MICHAEL M'CARTHY, Teacher.—The attendance at this School is 37, present 35; the most advanced read in the Introduction; the remainder in the Testament and elementary books. A considerable degree of improvement was evident in the reading of those who had been in constant attendance; several were making good progress in the primary rules of Arithmetic, but the irregular attendance of the more advanced writers occasioned very little improvement to be apparent in that branch. The Schoolhouse is sufficient.

### *Lot 49, District School.*

JOHN LE PAGE, Teacher.—Present at the examination of this School 17, in attendance 22. The more advanced of the Scholars who were present at the examination of the School in August last, were, with few exceptions, absent at this visit; the School also had been open but three months during the last half year, in consequence of the house being out of repair; still all have made very creditable improvement during the little space of time they have been in attendance. The specimens of writing shewn, bear testimony to the great attention given by the Teacher to that department. One only has made any progress in Arithmetic; all read with great propriety, and in spelling especially, excelled. The Schoolhouse has been put in better repair than when last visited.

### *Lot 65, Nine Mile Creek.*

DONALD LIVINGSTON, Teacher.—This School is at present vacant; the Teacher attending the Central Academy.

### *Lot 29, Sable.*

ARCHIBALD MASKINNON, Teacher.—Present at examination, 27. The School having been formed little more than a week, the Teacher could not ascertain yet the number of Scholars to be taught during the year. This School was visited in August last, since which time it has been vacant; although no proficiency could be yet expected, all gave promise of improvement, and went through their various exercises with much correctness and good order.

### *Lot 34, Bruckley Point.*

ALLAN STEWART, Teacher.—The number taught at this School is 30. The Teacher has been stationed here but two months. With the exception of 2 or 3, all the children are yet rather backward in reading and spelling, and are not all sufficiently supplied with suitable books. In writing, several have made good proficiency; one only is advanced in Arithmetic. The Schoolhouse, with a little repair, might be made sufficient and suitable.

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### *Lot 60, Flat River.*

JOHN M'KINNON, Teacher.—At the examination of this School there were 37 present; the number taught is 43; several of those who had been regular in attendance on the School had made some progress in their reading and spelling; none were yet advanced in arithmetic. In writing no satisfactory proficiency has been made—the scholars for the most part being very irregularly provided with writing materials. The Schoolhouse here is rather small, but in good repair.

### *Lot 62, Belle Creek.*

NEIL M'KINNON, Teacher.—The number taught at this school is 40; the scholars in general have made very creditable improvement in Writing and Arithmetic, and are carefully instructed in Reading and Spelling; but the want of suitable books among several of the children, tends greatly to retard their own progress, and acts as a drawback upon the efficiency of the Teacher. The schoolhouse is of the same description with the one last named.

### *Lot 67.*

NEIL ARBUCKLE, Teacher.—The number attending this school is 30, 25 of whom were present; many of these are not provided with suitable books; the Schoolhouse is also in a very unfinished state; and the progress of the Scholars appeared to have been much retarded in consequence of these, and other disadvantages under which they labour.

## KING'S COUNTY.

### *Lot 64, Guernsey Cove.*

PIERCE RYAN, Teacher.—Attending this School 30; 29 were present at the examination; a class of four had made considerable proficiency in Arithmetic; in Reading, some improvement was apparent, with respect to pronunciation, observing of pauses, &c. but in nothing else was there any improvement visible, since last examined; the attendance of the children appeared to have been very irregular. This schoolhouse would require to be put in better repair before it could be considered good and sufficient.

### *Lot 63, Murray Harbour.*

ARCHIBALD M'KENZIE, Teacher.—At the examination of this School there were but five present; the number usually taught is 45. The cause of the falling off in the attendance at this time was the prevalence of sickness among the children of the district. The few who were present manifested the same proficiency in their different studies which was remarked on the occasion of their first examination. The schoolhouse is small, and not sufficient to accommodate, without inconvenience, the number of scholars usually taught.

### *Lot 59, Montague River.*

RODERICK CAMPBELL, Teacher.—This school, under the present Teacher, has been opened subsequent to my first visit; the number on the Teachers list is 38; of whom 33 were present. The school having been but so recently opened, much proficiency could not have been expected. In the writing department, where the improvement could be more easily and visibly seen, the proficiency made was very great. A class of 6 were examined on Arithmetic, and shewed an accurate knowledge of the principal rules thereof. A class of 3 were making good progress in English Grammar, 10 were commencing the study of Geography, 1 of Mathematics, and one Book-keeping. It is creditable to those connected with this school, that the children are generally well provided with books, thus enabling the Teacher to class his scholars, and by concentrating his own labour, allowing him to overlook the details of each department without confusion, while the method pursued tends to facilitate in an equal degree the progress of all. This Schoolhouse here is, without exception, the best in the Island.

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### *Lot 52, Brudnell River.*

JOHN M'NEIL, Teacher.—This School has been established but a few weeks under the present Teacher; there were 27 scholars present at the examination; the number on the Teacher's list is 35: Those reading were divided into separate classes, from the English Reader down to the elementary books; of the more advanced of these, a class of 10 were commencing the elements of English Grammar; those learning Arithmetic were, with the exception of three, all beginners; each class went through its lessons and exercises with great correctness and regularity, and in every thing gave fair promise of creditable improvement, under the judicious method of instruction pursued by their Teacher. The Schoolhouse is good and sufficient.

### *Lot 51, Georgetown Road.*

NATHANIEL M'LAREN, Teacher.—This School also has been but very recently established. The number in attendance is 32, present 27; those writing and in arithmetic appeared to have made very good improvement since the opening of the School; the several reading classes read and spelled in general with much propriety and correctness. The children are generally well provided with books, and the Schoolhouse is very suitable and sufficient.

### *Lot 56.*

EDMUND SHEA, Teacher.—Present at the examination of this School 20, on the Teacher's list 23. Although many of these scholars are deficient in suitable books, several have, notwithstanding, made very good progress in reading and spelling; three were well acquainted with the primary rules of arithmetic. The Schoolhouse is small, but comfortable.

### *Lot 39, Savage Harbour.*

DANIEL SCOTT, Teacher.—The number attending on this School when last examined was 30; several of these were well advanced; those in the highest class read in general with correctness, and in the inferior classes all were making fair progress in reading and spelling; of 16 who were writing, several whose attendance at School had been most regular, were making good proficiency, and a few were well acquainted with arithmetic; and the good method adopted by the Teacher was apparent in the progress the scholars had made, in reading especially. The Schoolhouse, although of small dimensions, is tolerably well provided with the necessary accommodations of seats and desks.

### *Lot 43, Bay Fortune.*

JOHN M'NEIL, Teacher.—Present at the examination 12; on the Teacher's list 25. In consequence of the prevalence of sickness among the children, the greater part were unable to attend; the attendance for some time back appeared to have been very irregular, and has retarded considerably the progress of the scholars; those, however, who were present, in the highest reading class, read and spelled in general correctly: In writing, also, some proficiency had been made; one only is advanced in arithmetic, and shewed a correct and extensive acquaintance with the principal rules thereof. Several who had recently commenced reading were making very good progress in the elementary books. The School has been lately put in better repair, by the addition of sufficient desks and seats.

### *Lot 47, East Point.*

JOHN SLATTERY, Teacher.—At this School there are taught 34 scholars; a class of 6 were learning the rudiments of Latin; one who was advanced to Cæsar's Commentaries, in that language, and was making very considerable progress when last examined, was not present at this time. Several read and spelled correctly, but the greater part had made but little progress in reading, many not having been in constant attendance, but very great improvement was visible in the writing; and in arithmetic several were making very good proficiency, and were well grounded, and frequently exercised in that branch. The Schoolhouse, with little repair, would be rendered good and sufficient.

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### PRINCE COUNTY.

#### *Lot 26, Bedeque.*

W. H. NELIS, Teacher.—The average number of scholars taught at this School at present is 20, of these 12 were present at the examination; two of these have made some progress in the French language, and have attained to a correct knowledge of English grammar. Another class read and recited passages in English in a very superior manner, and all were well versed and exercised in the signification of words, and on the meaning of the different passages they read; and the great correctness and propriety with which all read, bore testimony to the great attention of the Teacher to their improvement in elocution. In arithmetic many were well acquainted with the principal rules, and with few exceptions all had made very great proficiency in writing. The Schoolroom is comfortable in winter, but from its small dimensions, must be too much confined in the summer season.

#### *Lot 18, Richmond Bay.*

BENJAMIN CLARK, Teacher.—The number attending this School is 40. This School has been but very lately established, yet very fair improvement has been made by those writing, and several are already well acquainted with the primary rules of arithmetic; the scholars are classed together, so far as their books and respective progress will allow, and all give promise of creditable improvement, under the good method of instruction followed by the Teacher. The room in which the School is at present held is unsuitable in several respects, but a good and sufficient Schoolhouse is in the course of being completed.

#### *Princetown Royalty.*

SEBASTIAN DAVIDSON, Teacher.—At the examination of this School there were 31 scholars in attendance; a class of 7, who were examined in English grammar, went through their exercises in a highly creditable manner; one had made some progress in geography; those learning arithmetic had made very great proficiency, and all read and spelled in general with correctness; and the regularity and good order observed by all in the course of their examination, gave proof, along with the improvement which had been evinced, of the good method pursued by the Teacher. The Schoolhouse is large and commodious.

#### *Lot 16, Ellis River.*

JOHN M'KINNON, Teacher.—Present at the examination of this School, 30; of the more advanced scholars, two were learning English grammar, and had made very considerable proficiency; the improvement in writing and arithmetic was equally creditable; and the rapid progress many have made in reading and spelling, bore testimony to the assiduity and attention of the Teacher. The method pursued is in every respect good and judicious, and few Teachers in the country maintain the like good discipline and order which characterize this School. The Schoolhouse, although small, serves to accommodate the number usually taught.

#### *Lot 11.*

THOMAS KEY, Teacher.—On the Teacher's list, 31 scholars, present at the examination, 24. This School has been but recently established in this place; the scholars have already made considerable proficiency under the very good method followed by the Teacher; and in elocution several especially excelled, and recited several passages, and poetical extracts, with great correctness and taste; 4 are commencing English grammar. The Schoolhouse is commodious and sufficient, and well provided with the necessary accommodations of desks and seats.

#### *Lot 13, Port Hill.*

A. C. BIERFORD, Teacher.—On the Teacher's list there are 37 scholars, 22 of whom were present; considerable proficiency had been made since last examined, by several of those who were most regular in attendance on the School; several had made good progress in arithmetic, and a few in writing, and the highest classes of readers read and spelled with correctness. The attendance of the children appeared in most cases to have been very irregular. The Schoolhouse is good and sufficient.

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### *Lot 14.*

JOHN RONAYNE, Teacher.—Present at the examination of this School, 37, on the Teacher's list, 40. In this School there are none yet much advanced; a class of 10 read the Testament, and the remainder the elementary books; one only is advanced in arithmetic; in writing no satisfactory proficiency appeared to have been made, but the greater number had considerably improved in reading and spelling. The Schoolhouse is of rather small dimensions.

The above are the Schools at present established under the operation of the Education Act. There are yet several Teachers who have received certificates of qualification from your Board, whose Schools are not mentioned in this Report; two of whom were not licensed at the time I passed their Schools in the course of my last visit; the Schoolhouse of one had been burned, and another, in consequence of indisposition, has been unable for some time back to teach.

I have the honor to be, Gentlemen,

Your obedient servant,

JOHN MACNEILL,

Visitor of District Schools.

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### *Second and Third Reports, for the year ending 31st December, 1838.*

#### *To the Members of the Board of Education.*

GENTLEMEN;

In laying before you the following summary of the state of the District Schools of Prince Edward Island, separately, there is one circumstance which I cannot overlook, viz: that the most necessitous settlements are those which in general make the least efforts to procure for themselves and their posterity the benefits of Education. Several schools in which the elements of education were taught for years, are now without teachers.

It occurred to me, that the most expedient means for the removal of this disadvantage would be, to insert advertisements in our Colonial Periodicals, inviting the attention of teachers to these vacant stations, which advertisements are now before the public. Nevertheless, I fear that the scarcity of teachers in the Colony is such, that few of these can be supplied; and in this I feel more satisfied from the fact, that the number of schools in operation has been about the same permanently, since I was first appointed Visitor. It would appear from this, that all the teachers are employed, consequently that there is but little hope of supplying the Schools now vacant without increasing the number of our teachers in the Colony. To accomplish this object, one of two alternatives must be adopted—either to import teachers, or to open a Normal School for training up young men in our own Colony for the profession.

As to the stations above mentioned in which there are no schools, and the want of them seems to be but partially felt, perhaps it might prove a remedy were the Legislature to divide the Island into Sections, and plant a School in each of these, endowing each school with an annual grant from the public funds, and obliging the inhabitants of such Section to contribute to the support of the school by the payment of a permanent adequate sum, to be raised by assessment or otherwise.

If schools were thus established permanently, the benefit of Education would be self-evident to the people at large, and instruction would become, not only more general, but also the rising generation would be enabled to plnish a more extensive stock of acquirements from the permanent character of the schools.



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Without desiring to see the standard of qualification fixed by the Law, for teachers, lowered, I am of opinion that it would be beneficial to some of the poorer and more destitute of the settlements, were some small provision made in the mean time, to aid in the support of a few of the most deserving of those teachers, who for such remuneration as the Inhabitants could afford, should make themselves useful, in imparting instruction to their children, and advancing them in the first stage of education.

At the request of the Committee of the Highland Society of this Island for enquiring into the state of Education, I furnished that Committee with a more detailed statistical account of the educational wants of the Colony; to which statement I beg leave to refer you, in Appendix, Letter A.

The office which I have the honour of holding was instituted with a view to aid, not only in extending Education in the Island, but also in suggesting and introducing such additional improvements as the present state of society and recent advances in the art of instruction may suggest or require. I am aware of the arduous nature of the duties which have devolved on me; and I flatter myself that I may, without incurring the imputation of arrogance or presumption, pretend to some knowledge of those responsible duties; for my time and attention have hitherto been devoted with little interruption to that professional training which is indispensable in the efficient instructor of youth; the successful prosecution, however, of this object is no easy undertaking; and requires both "tact and talent;" so much so, that in my humble opinion, the profession of a teacher is one of the most difficult, as it is one of the most important in human life.

In the premises I have alluded to the expediency and importance of professional training. It is not enough in the teacher of youth, to have himself acquired much useful knowledge; it is indispensable that he have also an aptitude, natural or acquired, for imparting his knowledge, and infusing his energy into others. This is the proper art and business of the schoolmasters—and yet this is the only art in which there is no early training, nor means provided for bestowing it on such as are willing to be trained.

In Scotland, from an early period, we have striking proofs of the desire to raise high the qualifications of the schoolmaster. In 1640, an academic education and a knowledge of Latin were required of the parish schoolmasters; but the idea of subjecting them to a *systematic* professional training seems hardly to have occurred to the founders of the National Schools of that country or of any other country in Europe at that time. The only approximation in Scotland to such institutions as the seminaries now called Normal, was in the Model school of the Society for propagating Christian knowledge, about 100 years ago, in which were trained teachers for the Society's schools in the Highlands.

Prussia was the first European nation that seems fully to have appreciated the importance of a strictly professional education to schoolmasters, and which engrafted Seminaries for this purpose on its national system.

In that country there are at present no fewer than 30 of these schoolmasters' colleges, whose pupils, after one or two years' study, are sent forth with their diploma of qualification according to the place they occupy at the final examination. Under the influence of these seminaries the quality of education has been gradually rising for the last 20 years; and the profession of a schoolmaster has risen in public estimation, not so much in consequence of high salaries, as of high professional training, and of the rewards and honours which await the successful teacher, from the mastership of an Elementary school to the directory of a Normal Seminary, or Professorship of the theory of Education in a Prussian University.

The French Government, soon after the Revolution of July, 1830, turned its attention to the creation of a national system of Education, and for this purpose dispatched Professor Cousin to Germany, to examine the institutions of Prussia. In his interesting "Report on the state of public instruction in Prussia," the subject of Normal Schools occupies a prominent place; and his recommendations on this head were adopted by the French Minister of public instruction, and have been attended with the most favourable results.

In England an approximation has been made to a Normal school, both by the National School Society and the British and Foreign School Society. The former, in its Central school, Westminster, receives

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young men to be trained as teachers; the average period of attendance is five months. The British and Foreign School Society, in their Borough Road School, have also been in the habit of training teachers; but the average period of attendance is only two months.

The Government model School in Dublin is also employed for the same purpose. In Edinburgh, Mr. Wood's school has served to the same limited extent the purposes of a seminary for training teachers, as well as of an admirable model, from which hundreds have received useful hints, and a stimulus in the path of improvement, the effects of which have been felt more or less over the whole of Scotland.

These were the first and only efforts in Great Britain and Ireland, with which I am acquainted, for providing the means of professional training for schoolmasters prior to 1835.

About this period, the attention of some of the friends of Education in Britain was directed to the importance of these institutions; and an educational society was first formed, as far as I can learn, in Glasgow, whose principal object, as set forth in its constitution, was, "to solicit Parliamentary enquiry and aid, in behalf of the extension and improvement of parochial schools,—and, in particular, to establish a *Normal Seminary* for the instruction of teachers in the most improved modes of intellectual and moral training, so that schoolmasters may enjoy a regular professional education."

This society having turned its attention to the best mode of commencing so desirable an institution, Dr. Walsh, of Edinburgh, visited Prussia in the year 1835, and furnished the Society on his return with a mass of valuable information on the working of the educational system of that country.

The Society was impressed moreover with the practical wisdom of the advice which the French Professor gave to the Minister of public instruction on this subject "choose the best conducted primary (elementary) school in the department, that which is in the hands of the master of the greatest ability and trustworthiness; annex to this school a class called normal, in which the same master shall teach his art to a certain number of young men of the department, who are willing to come to it, to form themselves for schoolmasters. By this plan, before six months are over, you may have in each department an excellent little Normal school, which from year to year, you can extend, improve and enlarge. The plan which I propose does not commit you to any future measures, yet it at once covers France with Normal schools, which will supply our first wants; it is for time, zeal, and diligence to do the rest."

These hints the society made the ground work of its system, and chose model schools, annexing to these a class called normal, over which was appointed an able and intelligent master as director. From the beginning these seminaries have now increased through the principal towns and parishes of the land. Such is a brief and imperfect sketch of the rise and progress of those institutions, which have proved of such advantage to the countries where they are established.

The following testimony to the utility of the system is borne by a Gentleman who appears to have been well acquainted with the nature and practical operation of these seminaries: "The great excellence of a Normal Seminary is this:—that while it has model schools as a part of its establishment, schools that are conducted on the best methods, and by the best masters, it has also a Rector, who is specially entrusted with the care of the young men who have come to learn the art of teaching; and while the Rector sees that they are conversant with the branches of Education they are afterwards to teach, instructing and examining them regularly for that purpose; and while he acquaints them with the theory of a well conducted school, he has the model schools at hand, in whose classes they may, under his eye put into actual use the lessons they have received, and thus become truly accomplished at once in the theory and in the practice of their profession." \*

The successful working of the scheme has now been tested by the experience of three years, as will be apparent by the following extract from the Report of the Educational Society's Committee, with which I shall conclude my notice of this subject, "the committee think it important to announce, that no teacher who has given himself a course of training at this school, and quitted it with marked approbation, without

\* The Rev. Mr. Buchanan's speech at Glasgow.

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receiving almost immediately an appointment to some eligible situation; and so rapid is the appropriation of teachers qualified at this seminary, that very often the committee are requested to recommend to well endowed schools, where there is not a single fit expectant on their list; the supply lingers much behind the demand, and the demand is a striking proof how much the defective state of education is felt throughout the country."

When such is the language used in reference to the old scholastic economy of that country, whose educational system has been regarded by the world as so excellent; when its state is acknowledged to be defective, and felt as such through the country;—how much more defective then, must be our Colonial educational system, and what urgent necessity there exists for our taking immediate steps to improve and extend it? The way appears now to be plain before us; and with the example in view of what the institution of the Normal School has done, and is now effecting, in other countries, should we not be considered as remiss, in hesitating to follow a path so clearly and distinctly pointed out? But I would wish it to be understood, that I do not desire to put this forward merely as a scheme of innovation; that though zealous to amend whatever is defective in our educational institutions, and to see the schools of Prince Edward Island placed upon as perfect and efficient a footing as the exigencies of the country will allow. I should not wish to belong to that class of improvers, whose first impulse is, to pull down whatever already exists, for nothing else than the high crime and misdemeanor of being old. I would not consecrate an abuse merely because it is covered with the venerable dust of "hoar antiquity," nor worship a finely gilded theory, merely because it is new.

The fact is certain, that whilst the mechanical arts have their period of apprenticeship, and the liberal professions their period of study and probation, whoever will, may enter upon the profession of an instructor of youth unprepared, and often unauthorized. Here, when every thing else fails, any man is ready made for a schoolmaster.

To this cause may be ascribed the sight, which too often presents itself in this country, of schools conducted on the worst possible methods—whose masters know little and can impart little, except in the mechanical arts of reading and writing, and even these in a slovenly manner. This is entirely owing to the want of that professional education, from which even the worst masters would have acquired a better method, and the best would have greatly benefited. Left hitherto to any method or no method, young teachers blunder on as they best can; and the effect of thus leaving them without a professional education, is to give to the rich, the most enterprising, successful and experienced teachers—and to leave to the poor, too generally, the sluggards and novices of the profession.

Satisfied as I am, that if the attention of the Legislature could be successfully drawn to this all important subject, Normal Schools might be established in various parts of the Island, and that from them teachers properly qualified could be sent into the different districts, and the education of the youth of the Colony, placed upon a firm and permanent basis.

These remarks I have presumed to submit to you, knowing that from my frequent visitations of the different settlements, I had an opportunity of becoming better acquainted with the necessities of the inhabitants than any other person connected with the instruction of youth in the Colony; and if from any hint I may have given, you shall be enabled more fully to advance the interests of education, I shall reap an abundant harvest of satisfaction.

I have the honor to be, Gentlemen,

Your obedient servant,

JOHN MACNEILL.

## APPENDIX (G.)

### *Summary of the state of the District Schools of Prince Edward Island, embraced in the Report of the Visiter, 31st December, 1838 :*

#### QUEEN'S COUNTY.

Lot 49, District School, John Le Page, Teacher. June 1st, 1838, visited this School to day—the number of scholars attending is 25, of whom 22 were present. The elder scholars were examined in reading, orthography, and English grammar, and in all these exercises, their proficiency was very gratifying. The junior classes also displayed a very satisfactory improvement in reading and spelling; and their answers to questions arising out of their lessons, shewed that their attention had been directed to the meaning of what they read; and altogether, the steady progress made by the different classes, since last examined, reflects credit upon the assiduity of the Teacher.

The school-house has lately been rendered sufficient by further repairs.

In the further extremity of this Township, Lot 49, another School has been recently opened, which is taught by Patrick Fitzgerald. This settlement having been without a School during several years, the children attending are, with few exceptions, rather backward in their education. The present teacher having recently succeeded to the charge, no proficiency of consequence is yet apparent; but it is to be hoped that the attention of the teacher to the important duties of his calling, will, ere long, cause an improvement in the state of the School to be manifest.

The District School of Lot 34, St. Peter's Road, Robert Robertson, Teacher, numbers 44 scholars, 30 of whom were present when examined. Those scholars whose attendance had been most regular and constant, have made considerable proficiency. In reading, spelling, English grammar and writing, the improvement has on the whole been satisfactory. In arithmetic, several had made good progress, (as appeared by their books) but were, with two exceptions, absent at this time. The advantage and benefit of the good system of instruction pursued in this School, is apparent, in the creditable improvement of the pupils, as evinced at each examination.

The Dog River School, Lot 32, is taught by Malcolm Darrach. The daily average attendance is about 40 scholars, 38 of whom were present. The proficiency made by the pupils, generally, since last examined, has been satisfactory. The correct manner in which the senior classes especially read, and the knowledge of grammar which they displayed, was highly pleasing.

The school-house has been considerably enlarged since my last visit.

Lot 33, Lytchett Mills, Princetown Road, Alexander M'Cabe, Teacher. At this examination, as at the last, I found none of the scholars much advanced; this I cannot ascribe to the inefficiency of the teacher, who discharges his duties, I have every reason to believe, with fidelity, but rather to the irregular attendance of the scholars, many of the more advanced of whom quitted the school within the preceding twelve months. The school numbers 25.

The Elliot River School is still under the tuition of Donald Lamont. The state of this school, and the general proficiency of the pupils, merit approbation. The several classes, especially the senior, went through their exercises in a manner sufficiently creditable; and the proficiency made during the last quarter of a year, particularly in English grammar, elocution and arithmetic, bears testimony to the application of the scholars. At a subsequent visit to this school in the month of November last, I found that little or no improvement had taken place in the state of the school since the previous examination in June; this appeared to be owing to a long vacation in the interval, occasioned by the enlargement and repair of the school-house.

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**Lot 29, Sable, Archibald M'Kinnon, Teacher.** At this school, one of the largest on the Island, 52 scholars were present at the examination. Although labouring under many disadvantages, such as a want of suitable books, a school-house insufficient, and out of repair, &c. the teacher has been nevertheless successful in his efforts to advance his pupils; many read and spelled with great propriety; and in arithmetic, the proficiency made was equally satisfactory; and several excellent specimens of writing were shewn; all bearing testimony to the attention of the teacher to the instruction of his pupils.

A new and commodious school-house for this District is nearly completed in the vicinity of the present house.

**Brackley Point, Allan Stewart, Teacher.** Twenty-five attended on the examination of this school—on the teacher's list 30. I regret to say that very little proficiency has been made at this school since last visited. The settlement here is scattered, and the children in the remote parts thereof cannot attend regularly upon the school at all seasons of the year. Some improvement in reading was apparent, but in arithmetic and spelling none of consequence. This school is now vacant, the teacher having lately resigned his charge.

**Lot 60, Flat River.** At this station there is a numerous school taught by John M'Kinnon—on the list there are 50 scholars, 40 were present on this occasion. In the different branches taught here, embracing English grammar, book-keeping, arithmetic, and writing, considerable progress has been made; the improvement in reading and spelling has, upon the whole, too, been satisfactory; and the assiduity of the teacher has been apparent, in the approved pronunciation, orthography, and attention to the rules of correct reading generally, on the part of the scholars.

**Lot 62, Belle Creek.** This station is vacant, the teacher of the last year, Neil M'Kinnon, having removed to the Brackley Point Road School. In this latter District is a sufficient and suitable school-house, which was visited very recently after its opening under the present teacher. I found 25 scholars assembled, many of these had been well advanced in their education under the tuition of the former teacher, (Mr. J. Arbuckle); and although since then, the school has been vacant several years, the proficiency that appeared to have been made in several of the higher branches of English education, by many of the pupils, was a proof of the ability of their former instructor. The state of the school under the present teacher, is also promising; and it is to be hoped that on a future occasion, such improvement will be manifest, as will gain for the school that commendation which shall always be bestowed on the deserving.

**The Lot 67 School,** is taught by Neil Arbuckle—the school numbers 30 scholars, none much advanced. Although this teacher could not be efficient, in a school station requiring ability on the part of the master, or an acquaintance with the higher branches of English education, yet his services are useful in this settlement, where the ambition of the inhabitants generally, does not extend beyond providing for their children the means of acquiring a little knowledge of reading. Several in the school were making considerable progress in the first stage of their education; and the teacher appears to be constantly attentive to his charge.

**Lot 57, Orwell-head.** The School at this place is taught by Donald Graham, and consists of about 30 scholars. A large proportion have attained to considerable proficiency in reading and spelling; and although the attendance on the school, from various causes, had been very irregular during the interval of my visits, I found that as much progress as could be expected, had been made in the various branches taught. In grammar, especially, a class of four boys had made rapid progress. A large and commodious school-house was erected in this settlement, but unfortunately, destroyed by fire; the present house is of small dimensions, but must be put in better repair before it can be considered sufficient.

**The Newtown, Belfast, School** is taught by Charles M'Eachern—40 scholars appear on the list, 33 of whom were present at the examination; a few of the elder ones were considerably advanced in arithmetic, but in reading and spelling the progress was not so satisfactory. Several were also totally destitute of books, and on some occasions in reading, one book was made to serve perhaps three or four children, who were also frequently at different stages in their proficiency; this, with other causes, tended to retard their improvement, especially in reading and pronunciation.

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**Point Prim, Donald Murchison, Teacher.**—Present when this school was visited 25, on the list 28. I found several making good proficiency in grammar and arithmetic—the younger classes appeared to have been carefully instructed in reading and spelling, a few wrote tolerably well. At a subsequent visit in the month of December, the improvement that had taken place during the interval was highly gratifying; and the knowledge displayed by the more advanced boys, particularly in arithmetic, was quite satisfactory.

**Lot 58, Belfast, John Arbuckle, Teacher.** The examination of this School took place in presence of the Trustees, and several of the parents of the children. The number on the teacher's list is 60, 40 of whom were present; these, divided into eight classes, went through their different exercises in a manner highly creditable. The proficiency made by the junior classes, in a short space of time, in reading and spelling, was remarkable, and the correct answers returned by them to the various questions asked, was a proof of their attention being regularly directed to the meaning of what they read. Nor was the examination of those in the higher classes, less satisfactory in its results; these were learning English grammar, trigonometry and elocution, and their correct knowledge of those branches, was creditable alike to teacher and pupils; notwithstanding the sickness which prevailed in the District in the summer season, and caused the school to close for several weeks. The irregular attendance of many of the children from this and other causes, rendered the exhibition less satisfactory in some respects than it would otherwise most probably have been. Another circumstance deserving of notice is the success which attended the efforts of the teacher, to impart instruction through the medium of the Gaelic language, this being the vernacular tongue of the great majority of his pupils, many of whom are almost totally ignorant of English on entering the school. A class of these learning the English spelling Books, read a chapter in St. John's Gospel in Gaelic, and under the direction of the teacher, by comparing and translating, enjoyed the advantage of being enabled to read in both languages, while they made a rapid progress by this method in learning to speak, and to understand the English.

**At Lot 48, Fullarton's Marsh, the School of the District is taught by Donald M'Leod.** This school is yet in its infancy; with the exception of three, all commenced the first stage of their education with the present teacher, and those who have been regular in attendance have made suitable proficiency in reading and spelling. A class of seven have recently commenced writing, and the study of the elements of grammar. The school numbered 28.

**Charlottetown, P. B. Doyle, Teacher.** This School has been visited, and examined on three several occasions since making my last report of the Schools. At the second examination, which took place in September last, 47 scholars were in attendance, and some improvement was apparent in the state of several of the classes. Although from the want of books among many of the children, their proficiency in reading and spelling was not so great or so satisfactory as could have been looked for. At a subsequent examination on the 20th December, I found but comparatively few attending: this falling off was the consequence of the prevalence of sickness in many of the families connected with the School; and from the same cause, the attendance of the scholars had since the previous examination been very irregular. It is to be regretted that on this account their progress since then has been so limited. A class that had been more than usually regular in attendance, excelled especially in arithmetic and writing.

**The School at New Glasgow, Lot 24, is taught by — Blanchard.** This teacher has recently succeeded to the charge of this School, which was vacant for a considerable time. 34 scholars attend, divided into several classes, according to the different stages of their progress. The more advanced read with propriety in the English Reader, and Introduction; and, although from the short period since the re-opening of the School, little improvement in the state thereof could be expected, yet, from what appeared of the method of instruction followed, the pupils bade fair to make suitable progress under the care and attention of the Teacher.

**Cavendish School, Donald Livingston, Teacher.** This School has also been but lately re-opened under this Teacher. Many of the scholars now attending, had made some progress under former teachers, and

## APPENDIX (G.)

evinced an acquaintance with some of the elements of English Grammar, Reading and Arithmetic. At the period of this examination, the School could only be considered as organized anew. The scholars are more than ordinarily well provided with books; the schoolhouse is sufficient; and, with these advantages, it is to be hoped that the proficiency of the pupils will equal the expectations formed of them, and at a future examination earn for themselves that approbation which will be the sure result of their application and diligence, and which will also depend upon the care and attention of the teacher to his duties.

### PRINCE COUNTY.

Princetown Royalty, District School, Sebastian Davidson, Teacher. On the teacher's list in July last, there were 39 scholars. At the examination, present 21. It is unnecessary to particularize the state of this school further than by stating, that the scholars appeared to be steadily progressing in their knowledge of the different branches which they were engaged in learning at the period of the previous examination.

At a subsequent visit to this District in the month of November last, a new and commodious schoolhouse, erected in the immediate vicinity of the old, was nearly completed.

In this Royalty is also another School, taught by Alexander Rae. At the request of the Trustees of this school, I paid it a visit in the month of July last, and found 48 present; the average daily attendance I ascertained to be 35. The scholars acquitted themselves on their examination in a manner highly creditable, and the whole arrangement and method in the conducting of the school were excellent, and such as to be expected from the ability of the Teacher. It is a subject of regret that this part of the Royalty of Princetown should thus be divided, and two Schools located in the immediate neighbourhood of each other; one of the two is thus prevented from obtaining any share of the Provincial allowance; one school, to all appearances, would be sufficient, and the expense of supporting it would press lighter on those connected with it, were the inhabitants unanimous in their views on this matter. Before the erection of the new District school-house, the inhabitants of the lower section of the Royalty, viz: those connected with Mr. Rae's school, made a proposal to join in the support of the Central or District School, provided that schoolhouse were removed from its present locality, to a situation more central or more convenient to the majority of themselves—but the parties being unable to meet on a common ground, or come to a further understanding on the subject, the two schools yet remain in the position described above.

The School at Oyster Cove, Lot 18, is taught by Benjamin Clark. On the list are 47 scholars, of whom 24 only were present at the examination. Several in the higher classes had made some progress in Arithmetic and Writing since last visited; in this latter branch, the improvement was very creditable, the neat and clean appearance of the writing copies being highly pleasing. In the junior reading classes, the progress was not so great nor so satisfactory. The attendance on the school in many instances appeared to have been irregular throughout the summer season.

Lot 11, Lot 16, and Bedeque. In these Districts the Teachers of last year are all yet stationed; and of these Schools it will be sufficient to mention, that from the short space of time which has elapsed since the visit immediately preceding, little difference in point of improvement was apparent, especially as several of the more advanced of the scholars had either quitted school, or were absent on this occasion.

In the first mentioned school, 31 attended; at the Bedeque, 20; and at the Lot 16 school, 32.

In the Dunk River settlement of Bedeque is also a School, James H. Fitzgerald, Teacher. At the examination of this school in July, 30 scholars were present; at the next visit in the month of December, 15 only were that day in attendance, although on the teacher's list there were 50; at this latter period, I found the proficiency among the few who were present to be something more satisfactory than on the first occasion—some little improvement being perceptible in Reading, Spelling, &c. None are advanced in Arithmetic. This Schoolhouse is large, but out of repair, and on that account uncomfortable in the winter season.

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Lot 14, Grand River, John Ronayne, Teacher. This School numbers 40 scholars, all of whom were present. I cannot state that any improvement was visible in the state of the School since last visited; the attendance of the children too, has not been constant. A class of 3 had made some progress in the elements of Grammar; but, before completing their knowledge of this branch, it is to be regretted, had left the School. At the period of my last visit, I found a large class reading the Scriptures, and the remainder learning to read the first elementary books.

The other District Schools in this County are, a School lately opened in Lot 14, Dubois Smith, Teacher—33 scholars. All those who were present were in the first stage of their progress; and also a School at New Bideford, John Stewart, Teacher. There is a respectable school at this station of about 30 children; and, although the majority of these are in the first stages of instruction (the settlement having been some years without a School,) the progress many had made in the short period since the opening of the School, and the care and attention which the teacher apparently bestowed, gave every indication of future creditable improvement.

The School at Port Hill was vacant on my last visit. At Lot 19, Bedeque, a school has for several years back been established; it is now taught by Thomas Collins, who has been the teacher during the last 3 or 4 years. In December last, I examined this school in presence of the Trustees thereof, and found every thing to approve in the proficiency of the scholars, and in the method of conducting the school. The teacher gives the greatest satisfaction to all concerned, by his close and constant attention to his duties.

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### KING'S COUNTY.

Brudenell River, and Lot 50, Districts. The Schools at these stations are taught by the teachers of the last year. Having detailed with minuteness in my last Report the state of these schools, separately; and finding but little alteration on my two last subsequent visits, in the state of either of them, it will be unnecessary to mention more at this time than the fact of the satisfaction which the teachers continue to give to those concerned, generally in the improvement of those committed to their charge. In the latter school, particularly the proficiency which the pupils were attaining in one branch, writing, was striking, the good order and neat appearance of the copies being very pleasing.

The Montague School is now vacant; the late teacher, Roderick Campbell, has succeeded to the charge of the Georgetown school, recently.

At Murray Harbour, the School of the District is under the superintendence of the former teacher, Archibald M'Kenzie. The state of this school continues to be prosperous, holding out advantages in its excellent arrangements, and in the ability of the teacher, possessed by few school stations in the Colony.

The School at White Sands, Guernsey Cove, continue in operation; but the teacher is not so efficient for this station as could be wished. From the desire of the inhabitants generally to give their children a suitable education, a person possessing higher qualifications than the present incumbent would be more serviceable in this District.

Savage Harbour, Donald Scott, Teacher. I find at intervals the state of this School gradually improving. In the reading department, the distinctness and general accuracy of pronunciation, together with readiness in spelling, is remarkable; and the proficiency of the scholars, notwithstanding the broken attendance, deserves commendation.

St. Peter's Bay, Morel. This school is taught by Thomas Bambrick, and although but very recently opened, the improvement evinced by the pupils in a few months, was superior to my expectations; and it must be confessed, is very creditable to the master.



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In this settlement is a new, and very suitable school-house, built solely, I understand, at the expense of a gentleman of the District, Mr. Dingwell. Such exertions in the cause of education are highly praiseworthy, and were an example like this followed, not only by individuals, but by whole settlements, the educational wants of the Island would not be so great as they now are.

The School of Pisquid, after being vacant some years, has been lately reopened, under the tuition of Edward Walsh. I can make no further remark on this school, than, that the majority of the pupils are in the first stages of reading and arithmetic; and my visit having occurred shortly after the commencement of the school, I can only say that the proficiency of the scholars will form the subject of a future report; and it is to be hoped that their improvement will be satisfactory.

The only other schools in this county, receiving government aid, are at Bay Fortune, John M'Neil, Teacher. This school I found to be in a state of improvement, and the teacher giving satisfaction.

At Little Ponds, Lot 56, Edmund Shea, Teacher, whose school is but limited in number, and the improvement upon the whole appeared to be satisfactory.

At Grand River is a school, taught by Patrick Sweeney—opened a few weeks before my visit in July; and on the second occasion in October, the teacher was absent from his charge.

The great benefits which the services of the school-master confer on society are evident, no calling involves higher duties or greater responsibilities, than that of the teacher; and yet, there is no class whose services are generally less appreciated, nor any whose labours are less adequately remunerated, in this country at least. Although this is the case, no one will deny that it is imperative on those who undertake this office, to discharge with fidelity its important duties; and nothing can afford me greater satisfaction, than being the instrument of bringing the merits of such teachers before the public. But being sensible of the importance of the trust confided to me, and feeling how much the efficiency of our educational system depends on my conduct, a sense of duty will not permit me (however painful to my feelings) to pass over, without censure, any wilful neglect of duty on the part of the teacher, which comes to my knowledge; or to see the public money misapplied to undeserving objects. That such neglect in more than one instance has existed, I have some cause of suspecting; and should I find suspicion well founded, or complaints which have been made, substantiated, the teacher in question will assuredly find, that any departure from that course which has heretofore gained for them approbation, will as certainly carry with it that censure which a proceeding so culpable merits. Against any misconduct or remissness on the teacher's part, the law places a remedy to a great extent, in the hands of the school trustees; their certificate of approbation of his conduct must be obtained in order to entitle him to the government allowance; yet it is sometimes surprising to see with what facility such certificates are procured from those very parties who are loudest in their complaints of the remissness of teachers, and of the inefficiency of that educational system, which their own acts thus tend to render inoperative and ineffectual.

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## APPENDIX (A.)

### *Copy of a Letter addressed to a Committee of the Highland Society.*

Charlottetown, July 28th, 1838.

GENTLEMEN,

To you as the Committee chosen by the Highland Society of Prince Edward Island, for the purpose of ascertaining the extent of the educational destitution of the Scottish part of the population, I have the honor of submitting the following statement; in the hope it may prove of some service to the society, in promoting the principal object of its formation, viz: "the introduction of suitable schoolmasters, and the importation of

## APPENDIX (G.)

books from the mother country, so as to diffuse more widely among Scotchmen, their descendants in destitute parts of the country, the blessings of a sound and practical and moral education."

I shall in the first place proceed to shew the number of children in this Island at present destitute of the means of adequate instruction.

In order to ascertain what proportion of the population of any country ought to be at school, so as to ensure universal juvenile education, we must look to the population returns of the number of youths within the educational age. The juvenile educational age is from six to fourteen. Every child then between six and fourteen ought to be at school, in order to ensure universal and efficient education; and by ascertaining the proportion of the population within those ages, we come to the knowledge of the number of youth which should attend juvenile schools.

By the last census of the Island, taken in 1833, the entire population was found to be 32,292, of which 16,207 were under sixteen years of age. The proportion between these last, and those within the educational age above mentioned, may be assumed at one half, or about 8,000; but of these 8,000, the number at present enjoying the benefits of public instruction, according to returns taken in my recent visit to the schools, is below 2,000, leaving the large proportion of 6,000 children wholly neglected in their education.

The proportion the Scottish part of the population bears to the whole, is said to be about two-thirds: From these data then, and without allowing for the increase of population since 1833, we arrive at the conclusion, that there are at this moment, at the lowest computation, 4,000 of the children of our countrymen growing up in lamentable ignorance of the first rudiments of learning.

The Legislature have indeed shewn a laudable desire to encourage and promote Education; and One thousand Pounds of the public revenue is annually appropriated to the support of District Schools; and Fifty-five Teachers enjoy the benefit of the Education Act—yet it is apparent how much remains yet to be done.

The parents in many cases are too ignorant to lament what they have now learned to deplore as the greatest of all evils. Others are sufficiently enlightened to mourn over this sad destitution, inflicting upon their offspring the same intellectual degradation—plunging them in the same mental darkness which has depressed themselves; these have an anxious desire, without having, in many instances, either the opportunity or the means of educating their children, and hail with joy the establishment of a Branch of the Highland Society of London among them, and view its leading object as the most acceptable boon which could be offered them.

In the annexed Table I have subjoined a list of these Townships which are more than commonly destitute of Schools, and also the number of schools required for each; it will be seen that the supply required for these stations\* falls far short of the actual destitution; but in those Townships, from the density of the population in some of the settlements, the prospect of establishing schools at present, is greater, and more obvious. In some of those, school-houses have already been built, and the Inhabitants generally would contribute their means in aid of the object of the society, to procure for them the services of qualified and efficient teachers. Schoolmasters and books sent from home would awaken a new spirit, and lend a more vigorous impulse to the cause of education, and, to quote the language of the address of the Society of Nova Scotia to their fellow Countrymen, "we should then enjoy the happiness of seeing introduced into this country the same intellectual training, or at least some approaches to it, which forms the moral character of Scotland, at once her happiness and pride."

I have the honor to be, Gentlemen,

Your obedient servant,

JOHN MACNEILL.

Messrs. Dalrymple, Macintosh and Brown.

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\* 45 schools, with an average of 40 scholars each, would educate but 1,800, not one half of the number destitute.

## APPENDIX (G.)

*List of Lots or Townships destitute of sufficient Schools, and the number of  
Schools required for each.*

LOTS.	SCHOOLS.	LOTS.	SCHOOLS.
Lots 1 to 10 inclusive.	4	42	1
17	1	43	1
21	2	44	1
22	1	45	2
24	1	46	2
25	1	47	2
26	1	50	1
27	1	53	1
28	2	54	1
29	2	57	2
30	1	58	1
33	2	61	1
34	2	62	1
35	1	64	1
36	1	65	1
37	1	67	1
41	1	—	—
			45

# APPENDIX

(H.)

(SEE PAGE 34.)

AT THE COURT AT WINDSOR,  
the 12th December, 1838.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Chancellor,  
Earl of Albermarle,  
Earl of Minto,  
Viscount Melbourne,

Viscount Howick,  
Lord Glenelg,  
Mr. Poulett Thompson.

WHEREAS the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April, 1837, pass an Act, which has been transmitted, entitled as follows, viz :

No. 451.—“ *An Act for levying an Assessment on all Lands in this Island;*”

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have reported as their opinion to Her Majesty, that the said Act should receive Her Majesty's special confirmation : Her Majesty was thereupon, this day pleased, by and with the advice of Her Privy Council, to declare her special confirmation of the said Act, and the same is hereby specially confirmed, ratified, and finally enacted accordingly. Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) C. GREVILLE.

AT THE COURT AT WINDSOR,  
the 12th of December, 1838.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Chancellor,  
Earl of Albermarle,  
Earl of Minto,  
Viscount Melbourne,

Viscount Howick,  
Lord Glenelg,  
Mr. Poulett Thompson.

WHEREAS the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of March, 1838, pass an Act, which has been transmitted, entitled as follows, viz :

No. 490—*An Act for the regulation of the Public Wharf at Georgelown.*

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have reported as their opinion to Her Majesty, that the said Act should be left to its operation; Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council to approve the said Report. Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) C. GREVILLE.

# APPENDIX

## [I.]

(SEE PAGE 34.)

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( COPY. )

DOWNING STREET, 25th December, 1838.

SIR,

Her Majesty's Government having had under their consideration the inconvenience which may arise in the Colonial possessions of the Crown, from an imperfect acquaintance in the Legislative Bodies and Courts of Justice, with the Acts passed from time to time by the Imperial Legislature, have made arrangements for supplying, annually, to each of the British Colonies, so many copies of these Acts as may be required for the respective Legislatures and Courts of Justice.

There will, accordingly, be annually transmitted to the Colony under your Government, Four copies, to be distributed as follows:

- 1 For the use of the Executive Council—to be deposited with the Colonial Secretary.
- 1 For the Legislative Council.
- 1 For the House of Assembly.
- 1 For the Supreme Court of Justice.

You will make such arrangements as shall appear to you necessary, in concert with the Legislative bodies, and the Judges of the Courts of Justice, for the safe custody and preservation of these Copies of Acts of Parliament.

I have, &c.

(Signed)

GLENELG.

Lieutenant Governor,  
Sir C. A. Fitz Roy.

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(A.) Despatch from Lord Glenelg to Sir C. A. Fitz Roy, dated 28th February, 1838.

2. Order of Her Majesty in Council, dated 15th February, 1838.

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6. Order of Her Majesty in Council, dated 20th June, 1838.

7. Despatch from Lord Glenelg to Sir C. A. Fitz Roy, dated 31st July, 1838.

8. Order of Her Majesty in Council, dated 30th July, 1838.

9. Despatch from Lord Glenelg to Sir C. A. Fitz Roy, dated 3d December, 1838.

10. Order of Her Majesty in Council, dated 29th November, 1838.

(B.) Copy Despatch from Lord Glenelg to Sir C. A. Fitz Roy, dated 30th May, 1838.

(C.) Despatch from Lord Glenelg to Sir C. A. Fitz Roy, dated 3d December, 1838.

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*Appendix*, documents contained in, continued.

5. Opinion of the Queen's Advocate, the Attorney General, and Solicitor General, dated 1st November, 1838.
- (D.) Despatch from Sir C. A. Fitz Roy to Lord Glenelg, dated 8th January, 1838.
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3. Despatch from Sir C. A. Fitz Roy to Lord Glenelg, dated 26th July, 1838.
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5. Return of the Reservations for carrying on a Fishery, contained in the original Grants of the several Townships in this Island.
- (E.) Despatch from Lord Glenelg to Sir C. A. Fitz Roy, dated 15th September, 1838.
2. Report of the Visitors of the Jail in Charlottetown, dated 30th April, 1838.
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- (F.) Despatch from Lord Glenelg to Sir C. A. Fitz Roy, dated 24th October, 1838.
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**BILLS;** *Hogs*, to prevent the running at large of in Charlottetown; Received from Assembly, and read a first time, 13. Read a second time, 15. Read a third time, and passed, 16. Lieutenant Governor's assent, 35.

*Sheep*, for the protection of, against vicious Dogs; Received from Assembly, and read a first time, 20. Read a second time, 21. Committed, 27. Committed and agreed to, with amendments, 28. Sent to Assembly for their concurrence, 29. Amendments agreed to by Assembly, 32. Lieutenant Governor's assent, 35.

*Fisheries*, for further continuing Act to regulate; Received from Assembly, and read a first time, 20. Read a second time, 21. Read a third time, and passed, *ib.* Lieutenant Governor's assent, 35.

*Jurors*, further continuing Act for regulating; Received from Assembly, and read a first time, 20. Read a second time, 21. Committed, and agreed to, with an amendment, 26. Amendment agreed to by Assembly, 32. Lieutenant Governor's assent, 35.

*Georgetown*, for the improvement of property at; Received from Assembly, and read a first time, 20. Read a second time, 21. Committed, and conference asked, 24. Held and reported, 25. Further Conference, 29. Held and reported, 33. Committed, and agreed to, *ib.* Read a third time, and passed, *ib.* Lieutenant Governor's assent, 35.

*Fisheries*, for granting a bounty on Vessels engaged in the; Received from Assembly, and read a first time, 20. Read a second time, 21. Committed, 25, 28. Agreed to, 29. Read a third time, and passed, *ib.* Lieutenant Governor's assent, 35.

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**JOURNAL**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF  
**Prince Edward Island.**

ANNO SECUNDO VICTORIÆ REGINÆ.

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**SECOND SESSION OF THE FIFTEENTH GENERAL ASSEMBLY.**

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CHARLOTTETOWN:  
PRINTED BY JAMES DOUGLAS HASZARD, PRINTER TO THE QUEEN'S MOST  
EXCELLENT MAJESTY.

**1839.**





BY HIS EXCELLENCY

**SIR CHARLES AUGUSTUS FITZ ROY, K. H.,**

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and C. A. FITZROY. Ordinary of the same, &c. &c. &c.

## A PROCLAMATION.

**W**HEREAS Her Majesty hath been pleased, by Letters Patent, under the Great Seal of the United Kingdom, bearing date at Westminster, the Thirteenth day of December last, to appoint Lieutenant General Sir JOHN COLBORNE, Knight Grand Cross of the Most Honorable Military Order of the Bath, to be Captain General and Governor in Chief in and over this Island, in the room of the Right Honorable John George, EARL of DURHAM: And whereas, after reciting Her Majesty's pleasure that there should be two distinct and separate Councils in the said Island, Her Majesty did, in and by the said Letters Patent, grant and declare that there should be thenceforward, within this Island, two distinct and separate Councils, to be respectively called the LEGISLATIVE COUNCIL and the EXECUTIVE COUNCIL of the said Island, and did direct and declare Her Royal Pleasure to be, that the powers formerly vested in the Council of the said Island, as far as respected the enactment of Laws, should be and were thereby vested in the Legislative Council; and that all other powers whatever vested in the said Council, should be and were vested in the said Executive Council; and did declare that the said Council should consist of such and so many Members as Her Majesty should from time to time nominate and appoint under Her Royal Sign Manual and Signet, or as should be provisionally appointed by the said Sir John Colborne, until Her Majesty's pleasure should be known—provided that the number of Members for the time being, resident within the said Island, of the said Executive Council, should not be more than Nine, and of the said Legislative Council not more than Twelve, by any such provisional appointments.

And whereas Her Majesty hath been pleased to transmit to me the said Letters Patent, for my government, and to vest in me, in the absence of the said Sir John Colborne, as Her Lieutenant Governor in and over the said Island, all the powers and authorities which by the said Letters Patent are granted to the said Sir John Colborne.

And whereas Her Majesty, by Her Instructions under Her Royal Sign Manual, dated at Windsor, on the Thirteenth day of December last, did nominate and appoint *George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, and James Peake*, Esquires, to be, during Her Majesty's pleasure, Executive Councillors in the said Island; and did further nominate and appoint *George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, James Peake, Charles Worrell, Donald Macdonald, William Macintosh and John Livett*, Esquires, to be, during Her Majesty's pleasure, Legislative Councillors in the said Island.

And whereas I the said Lieutenant Governor, in virtue of the authority in me vested, and for further carrying into effect Her Majesty's Royal intentions, and fulfilling the object of the said Letters Patent in that behalf, have thought fit provisionally to appoint *Joseph Pope and John Small Macdonald*, Esquires, to be additional Executive Councillors in the said Island.

And whereas two of the said Legislative Councillors, *George Wright and James Peake*, Esquires, have resigned their seats in the said Legislative Council, I have thought fit, by virtue of the power and authority in me vested as aforesaid, provisionally to appoint *George Dalrymple, Samuel Green, Peter Stewart Macnutt and John Macgowan*, Esquires, to be additional Legislative Councillors in the said Island.

And whereas the General Assembly of this Island stand prorogued until Tuesday the Twelfth day of March, instant, then to meet for the DESPATCH OF BUSINESS; I have thought fit by this my Proclamation to promulgate the said Royal Commission, and the several matters aforesaid; and have also thought fit to convene the said General Assembly, on the said Twelfth day of March, instant, then to meet for the Despatch of Business, of which, as well the said Members of the said Legislative Council, as the Members of the House of Assembly, and all others concerned, are hereby required to take notice and govern themselves accordingly.

*Given under my Hand, and the Great Seal of this Island, at Charlottetown in the said Island, this 4th day of March, in the year of our Lord One thousand eight hundred and thirty-nine, and in the Second year of Her Majesty's Reign.*

By His Excellency's Command,

J. P. COLLINS, Col. Sec.

GOD SAVE THE QUEEN.



**JOURNAL**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF  
**PRINCE EDWARD ISLAND.**

---

**TUESDAY, 12th March, 1839.**

In pursuance of the foregoing Proclamation, the Legislative Council met.

PRESENT:

The HON. *Thomas Heath Haviland,*  
*George Dalrymple,*  
*John Livett,*  
*John Brecken,*  
*George Richard Goodman,*

The HON. *Donald Macdonald,*  
*Samuel Green,*  
*William Macintosh,*  
*John Macgowan,*  
*Peter Stewart Macnutt.*

**A**T two o'clock, p. m. His Excellency Sir Charles Augustus Fitz Roy, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, &c. &c. &c. came to the Council Chamber, and being seated:

Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, appointing Lieutenant General Sir John Colborne, Knight Grand Cross of the Most Honorable Military Order of the Bath, Captain General and Governor in Chief in and over the Island of Prince Edward, and directing therein a separation of the Councils, as also a Warrant appointing Sir Charles Augustus Fitz Roy, K. H., to be Lieutenant Governor of the said Island—having been read, Her Majesty's Instructions, under Her Royal Sign Manual, were read, and are as follow:

**VICTORIA R.**

INSTRUCTIONS to our Trusty and Well-beloved Sir JOHN COLBORNE,  
Knight Grand Cross of the Most Honorable Military Order of the  
Bath, our Captain General and Governor in Chief in and over our  
Island of Prince Edward, or in his absence to our Lieutenant Governor,  
or the Officer Administering the Government of our said Island  
for the time being. Given at our Court at Windsor, this Thirteenth  
day of December, 1838, in the Second year of our Reign.

**FIRST.**—With these our Instructions, you will receive our Commission under the Great Seal of our United Kingdom of Great Britain and Ireland, constituting you our Captain

General and Governor in Chief in and over our Island of Prince Edward. You are therefore, with all convenient speed, to assume and enter upon the execution of the trust we have reposed in you.

**SECOND.**—And whereas we have, by our said Commission appointing you our Captain General and Governor in Chief as aforesaid, declared our pleasure to be, that there shall be within our said Island of Prince Edward, two distinct and separate Councils, to be respectively called the Legislative Council, and the Executive Council, of our said Island, with certain powers and authorities therein mentioned; and have further declared our pleasure to be that the said Executive Council and Legislative Council respectively, should consist of such and so many Members as shall for that purpose be nominated and appointed by us, under our Royal Sign Manual and Signet, or as shall be provisionally appointed by you the said Sir John Colborne, until our pleasure therein shall be known. Provided always, that the total number of the Members for the time being of such Executive Council, resident within our said Island, shall not at any time, by any such provisional appointment by you, be raised to a greater number in the whole than Nine; and that the total number of the Members of the said Legislative Council, resident within our said Island, shall not at any time, by any such provisional appointment by you, be raised to a greater number in the whole than Twelve.

Now know you, that we, reposing especial trust and confidence in the wisdom, prudence and ability of our trusty and well beloved *George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, and James Peake, Esqrs.* do hereby nominate and appoint them the said *George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, and James Peake*, to be, during our pleasure, Executive Councillors in our said Island of Prince Edward, and we do hereby authorize and require you the said Sir John Colborne to summon them to our said Executive Council accordingly.

**THIRD.**—And we do further direct and appoint that the Members of our said Executive Council, shall take rank and precedence in the said Council, according to the order in which their names are hereinbefore inserted; and that in all other cases, the Members of our said Council, shall take rank and precedence therein, according to the date and seniority of their respective appointments.

**FOURTH.**—And further know you, that we, reposing especial trust and confidence in the wisdom, prudence and ability of our trusty and well beloved *George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, James Peake, Charles Worrell, Donald Macdonald, William Macintosh, and John Livett, Esquires,* do hereby nominate and appoint them the said *George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, James Peake, Charles Worrell, Donald Macdonald, William Macintosh, and John Livett*, to be, during our pleasure, Legislative Councillors in our said Island of Prince Edward; and we do hereby authorize and require you the said Sir John Colborne, to summon them to our said Legislative Council accordingly.

**FIFTH.**—And we do further direct and appoint that the Members of our said Legislative Council shall take rank and precedence in the said Council according to the order in which their names are hereinbefore inserted; and that in all other cases the Members of our said Legislative Council shall take rank and precedence therein, according to the date and seniority of their respective appointments.

The following Commission, by His Excellency the Lieutenant Governor's direction, was also read:

**PRINCE EDWARD ISLAND.**

L. S. By His Excellency Sir **CHARLES AUGUSTUS FITZ ROY, K. H.**, Lieutenant Governor and Commander-in-Chief, in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

**C. A. FITZ ROY**, Lieut. Governor.

*To George Dalrymple, Samuel Green, Peter Stewart Macnutt, and John Macgowan, Esquires, Greeting:*

**WHEREAS** by Letters Patent under the Great Seal of the United Kingdom, bearing date at Westminster, on the Thirteenth day of December last, Her Majesty was pleased to constitute and appoint Lieutenant General Sir **JOHN COLBORNE**, Knight Grand Cross of the most Honorable Military Order of the Bath, to be Captain General and Governor in Chief in and over the Island of Prince Edward, in the room of the Right Honorable John George **EARL of DURHAM**; and having deemed it expedient that there should be two distinct and separate Councils in the said Island, Her Majesty did in and by the same Letters Patent, grant, provide and declare that there should thenceforward be within the said Island Prince Edward, to distinct and separate Councils, to be respectively called the **LEGISLATIVE COUNCIL** and the **EXECUTIVE COUNCIL** of the said Island, and did direct and declare Her Royal Pleasure to be, that all and every the powers and authorities theretofore vested in or exercised by the Council of the said Island, so far as respects the enactment of any Laws to be made within the said Island, shall thenceforth be and the same were thereby vested in the said Legislative Council, and that all other powers and authorities whatsoever vested in or exercised by the Council of the said Island, should be and the same were thereby vested in the said Executive Council; and Her Majesty did thereby appoint and declare that the said Executive Council and the said Legislative Council respectively, should thereafter consist of such and so many members as should from time to time, for that purpose be nominated and appointed under Her Royal Sign Manual and Signet, or as should be provisionally appointed by the said Sir John Colborne, until Her Majesty's pleasure therein shall be known: Provided nevertheless, that the total number of the Members for the time being, of the Executive Council, resident within the said Island, should not at any time, by any provisional appointment, be raised to a greater number than Nine; and that the total number of the Members of the said Legislative Council, resident within the said Island, should not at any time, by any provisional appointment, be raised to a greater number than Twelve; and Her Majesty did thereby direct that Five Members of the said Executive Council should be a Quorum, for the despatch of the business thereof; and that Seven Members of the Legislative Council should be a Quorum, for the despatch of the business thereof; and Her Majesty did thereby further direct and appoint that the Members of the said respective Councils should hold their places therein during Her Majesty's pleasure, and not otherwise; and that the senior members respectively for the time being, of each of the said respective Councils, preside at all the deliberations thereof respectively, saving when he the said Sir John Colborne should be present



and presiding at the deliberations of the said Executive Council. And in case of the death or absence out of the said Island, of him the said Sir John Colborne, Her Majesty did by these presents, give and grant all and singular the powers and authorities therein to him granted, to the Lieutenant Governor for the time being of the said Island: And whereas Her Majesty, by warrant under Her Royal Sign Manual and Signet, bearing date the said Thirteenth day of December last, hath been pleased to appoint me Her Lieutenant Governor of the said Island, and hath authorised and required me, in the absence of the said Sir John Colborne, to execute and perform all and singular the powers and directions contained in the said Letters Patent: And whereas Her Majesty, by Her Instructions under Her Royal Sign Manual, dated at Windsor on the said Thirteenth day of December last, did nominate and appoint *George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, James Peake, Charles Worrell, Donald Macdonald, William Macintosh, and John Livett*, Esquires, to be, during Her Majesty's pleasure, Her Majesty's Legislative Councillors in the said Island: And whereas the said *George Wright* and *James Peake*, Esquires, have resigned their seats in the said Legislative Council: Now know ye, that I the Lieutenant Governor, exercising the powers and authorities aforesaid, in the absence of the said Sir John Colborne, in virtue of said Letters Patent, and for further carrying into effect Her Majesty's pleasure therein declared, and reposing especial trust and confidence in the loyalty, integrity and ability of you the said *George Dalrymple, Samuel Green, Peter Stewart Macnutt* and *John Macgowan*, Esquires, do by these presents provisionally nominate and appoint you the said *George Dalrymple, Samuel Green, Peter Stewart Macnutt, and John Macgowan*, Esquires, to be Members of the Legislative Council aforesaid, for the said Island of Prince Edward, until Her Majesty's pleasure shall be made known: And I do hereby declare Her Majesty's will and pleasure to be, that all and every the powers and authorities at any time or times heretofore vested in the Council or Councils of the said Island, so far as respects the enactment of any laws to be made within the said Island, and any other Acts and functions which the said Council in its Legislative capacity heretofore has been accustomed to exercise, or might have exercised, shall henceforth be and the same are hereby vested in the said Legislative Council: And I do further declare Her Majesty's will and pleasure to be that any Seven of the said Legislative Council shall be a quorum; and that the senior Member of the said Council shall preside in the said Legislative Council.

Given under my Hand and the Great Seal of the said Island, at Charlottetown, this Fourth day of March, in the year of Our Lord One thousand eight hundred and thirty-nine, and in the Second year of Her Majesty's Reign.

J. P. COLLINS,

Secretary and Registrar.

Registered this 5th day of March, 1839.

Liber No. 2, Folio 83.

G. THRESHER, Deputy Registrar.

## LEGISLATIVE COUNCIL.

Whereupon the following Gentlemen took the Oaths, and also took and subscribed the Oath of abjuration, pursuant to the Statutes, viz:

The HON. *Thomas Heath Haviland,*  
*John Brecken,*  
*George Richard Goodman,*  
*William Macintosh,*  
*John Livett,*

The HON. *George Dalrymple,*  
*Samuel Green,*  
*Peter Stewart Macnutt,*  
*John Macgowan.*

The HON. *Donald Macdonald* took and subscribed the Oath appointed to be taken by the Act of the Eleventh year of His late Majesty King George the Fourth, by persons professing the Roman Catholic Religion.

Commissions appointing the Rev. *L. C. Jenkins*, to be Chaplain; *J. P. Collins*, Esq. to be Clerk; *John C. Wright*, Esq. to be Usher of the Black Rod and Serjeant at Arms; *James D. Haszard*, Esq. Queen's Printer, to be Printer; and *John Rider*, to be Messenger to the Legislative Council, were also read.

The Gentleman Usher of the Black Rod then received His Excellency's command to desire the attendance of the House of Assembly immediately in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased to open the Session with the following Speech:—

*Mr. President, and Honorable Gentlemen of the Legislative Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

Having by the last packet received Her Majesty's commands to separate and reconstruct the Councils of this Island, it became my duty to terminate the late Session of the General Assembly, and to prorogue it for a short period, in order to carry this arrangement into effect. I have now called you together, trusting that you will, without inconvenience, be able to take up and complete such business as remained unfinished at the recent prorogation, or as the interests of the Colony may require.

During the short interval which has elapsed since the termination of the late Session, I regret to have to inform you that intelligence has reached me of active measures having been taken by the State of Maine, to enforce, by arms, their alleged claim to the territory in dispute between that State and Her Majesty's Province of New Brunswick. This outrage, in defiance of existing treaties, and of the amicable professions of the General Government of the United States towards that of Her Majesty, has created a sensation of general indignation in New Brunswick and Nova Scotia; and, although the season of the year precludes the possibility of this Colony rendering any active assistance at the present moment, yet I am sure it will universally respond to the feeling so forcibly expressed by the Council and Assembly of the neighbouring Province of Nova Scotia.

The House of Assembly then withdrew, and His Excellency was pleased to retire soon after.

The Oath of Office was then administered to *J. P. Collins*, Esq. as Clerk of the Legislative Council.

The President reported His Excellency's Speech, which being read by the Clerk—

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, to return the thanks of this House, for his Speech delivered this day.

*Ordered*, That Mr. *Brecken*, Mr. *Macintosh* and Mr. *Dalrymple* be a Committee to prepare a Draft pursuant to the above Resolution.

On motion, *Ordered*, That Mr. *Brecken*, Mr. *Macintosh* and Mr. *Green*, be a Committee to revise the Journal of the House each day.

On motion, *Ordered*, That Mr. *Dalrymple*, Mr. *Macnutt* and Mr. *Macgowan* be a Committee to examine into, and report upon such Laws as are near expiring.

On motion, *Ordered*, That a Committee of Five Members be appointed to draw up a code of Rules and Standing Orders, for the government of this House.

*Ordered*, That Mr. *Brecken*, Mr. *Goodman*, Mr. *Macintosh*, Mr. *Livett* and Mr. *Dalrymple* do compose the said Committee.

On motion, *Ordered*, That the Journals of this House be printed daily, and that One hundred copies thereof be furnished.

On motion, *Ordered*, That *Moses Hayes* be appointed Doorkeeper to this House.

Adjourned until One o'clock to-morrow.

## WEDNESDAY, 13th March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President ;

The Hon. Mr. *Brecken*,  
           Mr. *Goodman*,  
           Mr. *Macdonald*,  
           Mr. *Macintosh*,  
           Mr. *Livett*,

The Hon. Mr. *Dalrymple*,  
           Mr. *Green*,  
           Mr. *Macnutt*,  
           M. *Macgowan*.

PRAYERS.

**R**EADE the proceedings of yesterday.

The Clerk of the Legislative Council requested leave to appoint Mr. *Charles Desbrisay* as his Deputy. Leave being granted, Mr. *Desbrisay* took the Oath of Office, and his seat at the Clerk's table.

Mr. *Brecken*, from the Committee appointed to prepare an Address in answer to His Excellency Speech, reported a Draft thereof, which he read in his place.

*Ordered*, That the Report be received, and the said Draft was again read by the Clerk, and it was ordered, that the House be forthwith put into a Committee of the whole, to take the same into consideration.

The House was adjourned during pleasure, and put into Committee on the said Address. After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the said Address, and made several amendments thereto.

The amendments being twice read by the Clerk, were agreed to by the House.

*Ordered*, That the said Address, with the amendments, be engrossed, and read a third time to-morrow.

On motion, *Ordered*, That the Committee who prepared the Address do wait upon his Excellency the Lieutenant Governor, to know when he will be pleased to receive this House with their Address.

Adjourned until One o'clock to-morrow.

## THURSDAY, 14th March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Macdonald*,

Mr. *Macintosh*,

Mr. *Livett*,

The Hon. Mr. *Dalrymple*,

Mr. *Green*,

Mr. *Macnutt*,

Mr. *Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Pursuant to the Order of the Day, the Address to His Excellency the Lieutenant Governor, in answer to His Excellency's Speech, was read a third time, and passed.

Whereupon the President signed the same, and is as follows:

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral, and Ordinary of the same, &c. &c. &c.*

*May it please your Excellency;*

We Her Majesty's faithful and loyal subjects, the Legislative Council of Prince Edward Island, convened in General Assembly, beg respectfully to offer our sincere thanks for your Excellency's Speech at the commencement of the present Session.

The reconstruction of the Legislative Council having rendered it necessary for your Excellency to close the late Session of the Assembly, we beg to assure you, that our best endeavors shall be directed to the com-

pletion of the business which then remained unfinished; and in entertaining any new measures, we hope, by a zealous attention to the best interests of the Colony, to merit the confidence which has been reposed in us.

We regret to learn, that a most wanton and unprovoked outrage has been committed by the State of Maine, on the neighboring Province of New Brunswick; and while we deeply deplore the consequences of a war with a country allied to us by common origin, language and interests, we will most readily concur with the other branches of the Legislature, in organizing the best means of promptly and efficiently assisting our fellow Colonists in New Brunswick in their laudable efforts to support their just rights, and to prevent the dismemberment of the British Empire.

Mr. Brecken, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive this House with their Address, reported that they had waited upon His Excellency, and that His Excellency had been pleased to appoint half past One o'clock this day for that purpose.

A Message from the House of Assembly, by Mr. Clark.

In the House of Assembly,

Thursday, 14th March, 1839.

Resolved, That a Committee be appointed to keep up a good correspondence between the two branches of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

Ordered, That Mr. Clark, Mr. Donald Macdonald, the Hon. J. S. Macdonald, and the Hon. Joseph Pope, do compose the said Committee.

Ordered, That the said Resolution be communicated by Message to the Legislative Council.

At half past One o'clock, the House proceeded to Government House with their Address, in answer to His Excellency's Speech at the opening of the Session, and having returned—

The President reported, that His Excellency had been pleased to receive the same, and to give an answer thereto, which was read by the Clerk, and is as follows, viz:

*Mr. President, and Honorable Gentlemen of the Legislative Council;*

I thank you for this Address, and for the expression of your readiness to concur in resisting any aggression which may involve the security of Her Majesty's North American possessions.

Resolved, That the Clerk be directed to make arrangements for interchanging the Journals of this House, and the Laws of this Island, with the Legislative Councils of Lower Canada, Upper Canada, Nova Scotia, New Brunswick and Newfoundland, for the Journals of the Legislative Councils and Laws of those Colonies, respectively, for the use of the Legislative Library.

Adjourned until One o'clock to-morrow.

**FRIDAY, 15th March, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Macdonald*,

Mr. *Macintosh*,

Mr. *Livett*,

The Hon. Mr. *Dalrymple*,

Mr. *Green*,

Mr. *Macnutt*,

Mr. *Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*Robert Hodgson*, Esq. Her Majesty's Attorney General, having taken the Oaths, and taken and subscribed the Oath of abjuration, in pursuance of the Statutes, in the presence of His Excellency the Lieutenant Governor, took his seat at the Board.

Mr. *Brecken*, from the Committee appointed to draw up a code of Rules and Standing Orders, for the government of this House, reported, that the Committee had prepared a Draft, which he read in his place.

The said Report was then read by the Clerk.

*Ordered*, That this House be forthwith put into a Committee of the whole, to take the same into consideration.

The House was adjourned, during pleasure, and put into a Committee of the whole, on the Report of the Sub-Committee. After some time, the House was resumed, and Mr. *Attorney General* reported, that the Committee had gone through the Report of the Sub-Committee, and that they had agreed to the same, with several amendments.

*Ordered*, That the Report of the Committee be agreed to, and that the Rules be engrossed.

*Resolved*, That a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two branches of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

*Ordered*, That Mr. *Attorney General* and Mr. *Green* do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the House of Assembly.

*Ordered*, That Mr. *Goodman* and Mr. *Macdonald* have leave to absent themselves to-morrow.

Adjourned until One o'clock to-morrow.

## SATURDAY, 16th March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

The Hon. Mr. *Green*,

Mr. *Brecken*,

Mr. *Macnutt*,

Mr. *Macintosh*,

Mr. *Macgowan*.

Mr. *Dalrymple*,

PRAYERS.

**READ** the proceedings of yesterday.

Mr. *Brecken* informed the House that indisposition prevents Mr. *Livett* from attending in his place.

*Ordered*, That Mr. *Livett's* excuse be received.

Adjourned until One o'clock on Monday next.

## MONDAY, 18th March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

The Hon. Mr. *Livett*,

Mr. *Brecken*,

Mr. *Dalrymple*,

Mr. *Goodman*,

Mr. *Green*,

Mr. *Macdonald*,

Mr. *Macnutt*,

Mr. *Macintosh*,

Mr. *Macgowan*.

PRAYERS.

**READ** the proceedings of Saturday.

On motion, the following Rules and Standing Orders, for the due government of this House, were read, as engrossed, and ordered to be established, viz:

*First.*—That Prayers shall be read every day by the Chaplain of this House, at the opening thereof.

*Second.*—The Members of this House are to keep their dignity and order in sitting, as much as may be, and not to remove out of their places, without just cause, to the hindrance of others that sit near them, and disorder of the House.

*Third.*—That immediately after Prayers, the minutes of the preceding day be always read.

*Fourth.*—That when this House is called together, notice shall be taken of such Members as are absent, unless excused by the Queen, the Governor in Chief, Lieutenant Governor, or Officer administering the Government of this Island.

*Fifth.*—That for absence, every Member is to make his excuse, by a Member of this House, and if allowed, he is to be excused, if not, he is to be censured by the House, as the fault requires.

*Sixth.*—To prevent misunderstandings, and for avoiding offensive Speeches, when matters are debating, either in the House or at Committees, all personal, sharp, or taxing speeches be forborne; and whosoever answereth another man's speech, shall apply his answer to the matter without wrong to the person; and as nothing offensive is to be spoken, so nothing is to be ill-taken, if the party that speaketh it shall presently make a fair exposition, or clear denial of the words that might bear any ill construction; and if any offence of that kind be given, as the House itself will be very sensible thereof, so it will sharply censure the offenders, and give the party offended a fit reparation and a full satisfaction.

*Seventh.*—That for avoiding all mistakes, unkindnesses, or other differences which may grow to quarrels, tending to the breach of the peace, if any Member shall conceive himself to have received any affront or injury from any other Member of the House, either in the Council Chamber, or at any Committee, or in any of the Rooms belonging thereto, he shall appeal to the House for his reparation; which, if he shall not do, but occasion or entertain quarrels, declining the justice of the House, then the Member that shall be found therein offending, shall undergo the severe censure of this House.

*Eighth.*—That if any Member have occasion to speak with another Member in this House, whilst the House is sitting, they are to go together below the Bar, or else the President is to stop the business in agitation.

*Ninth.*—The privilege of this House is, that no Member of the said House, during the sitting thereof, or within the usual times of privilege of Parliament, is to be imprisoned or restrained, without sentence or order of this House, unless it be for Treason or Felony, or for refusing to give security for the peace.

*Tenth.*—That such Members of this House, as shall make protestation, or enter their dissents from any vote of this House, as they have a right to do, without asking leave of this House, either with or without their reasons, shall cause their protestations or dissents to be entered in the Clerk's Book the next sitting day of this House, before the rising of the House, and shall then sign the same on such day before the rising of this House.



*Eleventh.*—That all Orders of the day, which by reason of any adjournment, shall not have been proceeded upon, shall be considered only as postponed to the next day on which the House shall sit.

*Twelfth.*—That when a question is under debate, no motion shall be received in the House, unless for the purpose of amending, committing or postponing it to a certain day, or for the order of the day, or to adjourn.

*Thirteenth.*—That an Order Book be kept by the Clerk, in which Member's desirous of introducing any subject to the consideration of the House, unconnected with any measure actually in progress, shall be required to enter notice thereof specifying the day on which the same shall be brought forward, giving at least One day's notice—not to extend to questions of privilege.

*Fourteenth.*—That any motion, with leave of this House, may be withdrawn at any time before amendment or decision.

*Fifteenth.*—That after the question hath been entirely put by the President, no Member is to speak upon the question before voting.

*Sixteenth.*—That after a question is put, and the House hath voted thereon, no Member shall depart out of his place, until the House hath entered upon some other business.

*Seventeenth.*—That in voting, the contents shall rise in their places, and the non-contents continue to sit.

*Eighteenth.*—That in all Messages from the Assembly to this House, with a Bill or otherwise, the same cannot be received unless the object of it be expressed verbally, as hath hitherto been the practice.

*Nineteenth.*—As it might deeply intrench on the privileges of this House, for any Member to answer an accusation in the House of Assembly, either in person, or by sending his answer in writing, or by his Counsel there—it is ordered, that no Member of this House shall either go down to the House of Assembly, or send his answer in writing, or appear by Counsel, to answer any accusation there, upon penalty of being committed to the Serjeant at Arms, or to prison, during the pleasure of this House.

*Twentieth.*—For our meeting with any of the Lower House, either upon occasion of Messages, which they send up to us, or upon Conference, when they come up to us, the manner is thus—When notice is given to the House, by the Serjeant at Arms, that a Message or Deputation is sent to us by the House of Assembly, they attend until the House is prepared to receive them; then we being seated, send for them; on their coming up to the middle of the Bar, the President rises, and goes down to the Bar, and receives their Message uncovered; the Message is then read and delivered to the President, by one of the Members of the deputation; on their retiring, the President resumes the Chair, and standing uncovered, reports the Message for the information of the Members; the House then resumes the business it had before it.

*Twenty-first.*—That each Member of this House has a right to require, that the question or motion in discussion be read for his information, at any time of the debate.

*Twenty-second.*—Bills are seldom opposed at the first reading, but are generally committed, upon motion, at the second reading, at which time the principle is usually debated.

**Twenty-third.**—That to annex any clause or clauses to a Bill of aid or supply, the matter of which is foreign to and different from the matter of the said aid or supply, is unparliamentary.

**Twenty-fourth.**—That when a Bill, originating in this House, has once passed through its final stage in this House, no new Bill for the same object can afterwards be originated in this House, during the same Session.

**Twenty-fifth.**—That for the future, no motion shall be granted for making any Order of this House a Standing Order, or dispensing with a Standing Order, the same day it is made, nor before the Members of this House in town shall be summoned, to consider of the same motion.

**Twenty-sixth.**—That Bills brought up from the House of Assembly, when reported by the President, and handed to the Clerk, shall be carefully read over by him, and all verbal mistakes, if any, noticed by him to the President in writing.

**Twenty-seventh.**—The President, when he speaks to the House, is always to speak uncovered, and is not to adjourn the House, or do anything else as mouth of the House, without consent of the Members first had—except such things as are of course, wherein the Members may likewise overrule; and in case of difference amongst the Members, it is to be put to the question; and if the President will speak to any thing particularly, he is to go to his own place as a Member.

**Twenty-eighth.**—That every Member, previous to his speaking to any question or motion, or other matter before the House, shall rise from his seat uncovered, and address himself to the House.

**Twenty-ninth.**—When a question is decided by vote, the number of both the affirmatives and negatives shall be inserted in the minutes, and also the Members' names, if desired.

**Thirtieth.**—That any Member may at any time desire the House to be cleared of strangers, and the President shall immediately give directions to execute the order, without debate.

**Thirty-first.**—That any Member who brings up a Petition, shall, in his place, acquaint the House of the general purport of such Petition, and ask leave for it to be read; which must be seconded before it is read.

**Thirty-second.**—No Member is to speak twice to any Bill at one time of reading it, or any other proposition, unless it be to explain himself in some material point of his Speech, but no new matter, and that not without leave of the House first obtained. Every Member speaks standing uncovered, and names not Members of the House commonly by their names, but “the Member that spoke last”—“last but one”—“last but two”—or some other note of distinction.

**Thirty-third.**—To have more freedom of debate, and to facilitate business, Committees are appointed, either of the whole House, or of individuals; Committees of the whole House sit in the House, but then the President sits not in the Chair as President.

**Thirty-fourth.**—Every Member is to sit in his due place when the House is put into a Committee.

**Thirty-fifth.**—If it be desired by any Member, that the House be put into Committee, it ought not to be refused.

**Thirty-sixth.**—That in a Committee of the whole House, the Rules of the House shall be observed, in so far as they may be applicable, excepting the Rule limiting the time of speaking; and that no motion for the previous question, or for adjournment, can be received, but a Member may at any time move that the Chairman do leave the Chair, or report some progress made, and ask for leave to sit again.

**Thirty-seventh.**—That no Bill, Resolution or other proceeding, founded upon any application, addressed to the House of Assembly, be sustained by the Council, unless an application to the same effect, with such documents as may accompany the same, be also presented to the Council in General Assembly.

**Thirty-eighth.**—That when any Bill shall be sent by this House to a Committee, such Committee shall examine in the first place whether the Standing Orders of this House have or have not been complied with, and shall report the same to the House.

**Thirty-ninth.**—That any Deputy or Assistant Clerk of this House, shall not be at any time suspended or displaced from his office or employment, without the leave of the House.

**Fortieth.**—That the Serjeant at Arms shall be entitled to take and receive the following Fees:—

For taking a Member of the House into custody,	-	£0 11 8
For taking a Stranger into custody,	- - -	6 8
For every day in custody,	- - - -	0 11 8
For bringing a Member of the House, or any other person to the Bar, to be reprimanded,	- -	0 6 8
For travelling charges, when ordered by the House, for every mile travelled,	- - - -	0 0 6

**Charles Worrell, Esq.** having taken the Oaths, and taken and subscribed the Oath of abjuration, in pursuance of the Statutes, in the presence of His Excellency the Lieutenant Governor, took his seat at the Board.

On motion, Resolved, That the Message of His Excellency the Lieutenant Governor, transmitted to the Legislative Council in its last Session, with a copy of a Despatch from the Right Honorable Lord Glenelg, dated the 15th of September last, suggesting several amendments to the Act passed in the Session of 1838, "for the regulation of the several Gaols within this Island, and establishing Prison discipline therein," and the other documents therein mentioned, be referred to a Committee to be appointed by this House to examine the same, and report thereon by Bill or otherwise, with power to send for persons, papers and records.

**Ordered,** That Mr. Attorney General, Mr. Brecken, Mr. Macintosh, Mr. Green and Mr. Macgowan do compose the said Committee.

Adjourned until One o'clock to-morrow.

**TUESDAY, 19th March, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. *Mr. Attorney General*,  
*Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Worrell*,  
*Mr. Macdonald*,  
*Mr. Macintosh*,

The Hon. *Mr. Livett*,  
*Mr. Dalrymple*,  
*Mr. Green*,  
*Mr. Macnutt*,  
*Mr. Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Clark, with a Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until Three o'clock to-morrow.

**WEDNESDAY, 20th March, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. *Mr. Attorney General*,  
*Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Worrell*,  
*Mr. Macdonald*,  
*Mr. Macintosh*,

The Hon. *Mr. Dalrymple*,  
*Mr. Green*,  
*Mr. Macnutt*,  
*Mr. Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock to-morrow.

## THURSDAY, 21st March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

*Mr. Brecken*,

*Mr. Goodman*,

*Mr. Worrell*,

*Mr. Macdonald*,

The Hon. Mr. *Macintosh*,

*Mr. Livett*,

*Mr. Dalrymple*,

*Mr. Green*,

*Mr. Macnutt*.

PRAYERS.

**M**R. *Goodman* informed the House that indisposition prevents Mr. *Macgowan* from attending in his place.

*Ordered*, That Mr. *Macgowan*'s excuse be received.

Read a second time, the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island."

On motion, *Ordered*, that the said Bill be referred to a Committee of Seven Members, to report thereon, with power to send for persons, papers and records.

*Ordered*, That Mr. *Brecken*, Mr. *Goodman*, Mr. *Worrell*, Mr. *Macdonald*, Mr. *Macintosh*, Mr. *Livett* and Mr. *Dalrymple*, do compose the said Committee.

Adjourned until One o'clock to-morrow.

## FRIDAY, 22d March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

*Mr. Brecken*,

*Mr. Goodman*,

*Mr. Worrell*,

*Mr. Macdonald*,

*Mr. Macintosh*,

The Hon. Mr. *Livett*,

*Mr. Dalrymple*,

*Mr. Green*,

*Mr. Macnutt*,

*Mr. Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

**Mr. Attorney General**, from the Committee to whom was referred His Excellency the Lieutenant Governor's Message, with the copy of a Despatch from the Right Honorable Lord Glenelg, suggesting several amendments to the Act passed in the Session of 1838, "for the regulation of the several Jails within this Island, and establishing Prison discipline therein," presented to the House the Report of the said Committee, which he read in his place, and afterwards delivered it to the Clerk, who read the same, as follows:

Your Committee, to whom was referred the Message of His Excellency the Lieutenant Governor, on the subject of the Act of this Island, passed in the Session of 1838, "for the regulation of the several Jails within this Island, and establishing Prison Discipline therein," and the various documents accompanying said Message, beg leave to report as follows: They recommend the adoption of that part of the Imperial Statute, which requires the Keeper or other Officer visiting Female prisoners, to be accompanied by the Matron, if one be appointed; but as there is no permanent appointment yet made of a Matron for Prince and King's County Jails, your Committee recommend that it be part of the clause, that in such case the Keeper, or other Officer should be accompanied by some female, leaving the selection of such female, in the case of said two Jails, to the discretion of the Keeper or Visiting Justices. Your Committee also recommend that that part of the Sixth Rule of the Imperial Statute, which relates to the classification of Prisoners, be adopted, as also the proviso of that rule, which authorises the Visiting Justices to employ prisoners in menial offices within the prison and its precincts. Your Committee also recommend the adoption of the 14th Rule of the Imperial Act, which allows prisoners confined for Debt, or before trial for any supposed crime, and not receiving any Jail allowance, to procure for themselves, or receive articles of food, bedding and clothing, and other necessaries, subject to such rules and regulations as the Visiting Justices may deem necessary; and also that part of the 17th Rule of said Act, which requires a Surgeon to examine a prisoner when committed; and that part of same rule, which prohibits the discharge of any prisoner whilst labouring under acute disease, unless at his own desire. Your Committee also recommend the adoption of the 18th Rule of the Imperial Act, relating to the bedding of Prisoners, and the numbers confined in each cell; also that part of the 19th Rule of said Act which relates to the providing of soap, towels and combs; also, that part of section 12, of same Act, which requires the Rules of the prison to be exhibited in conspicuous places within it; also, the 23d Rule of the same Act, which prohibits Garnish money; and also, the 40th section of said Act, which impowers the Justices to inflict punishment on persons convicted of introducing, or attempting to introduce spirituous or fermented Liquors within prisons. The above recommendations appear to your Committee to meet all the objections taken by my Lord Glenelg, to the Island Statute, with the exception of objection 3, 5 and 6; the third is, that "provision should be made for the regular employment of convicted and other persons;" the fifth, that "provision should be made for the performance of religious services, by a Chaplain, or other appointed officer;" and the sixth, "that the means of instruction ought to be afforded to the prisoners, and enforced;" and to the third objection, your Committee beg respectfully to remark, that by an Act of the General Assembly of this Island, of the 5th Will. 4, cap. 2, there appears sufficient power given to the Justices appointed under that Act, for the employment of convicted criminals, which Act could not have been adverted to by my Lord Glenelg. With regard to the fifth objection, your Committee beg to observe, that from the small number of criminals confined in our Jails, and from the multiplicity of creeds professed by the people of this Island, it appears to your Committee that the appointment of a Clergyman of any one denomination, would entail an expense upon the Colony, without benefiting any other criminals but those few that might chance to profess the creed of

that particular clergyman; and on this subject the Grand Jury of Queen's County, at the last Hilary Term of the Supreme Court, made a strong remonstrance against any one Clergyman being employed as a Chaplain to a Jail, to the exclusion of those of other denominations. Your Committee therefore recommend that the Visiting Justices be empowered to request the gratuitous services of Clergymen professing the faith of such criminals as may from time to time be imprisoned in the respective Jails of this Colony, at such times as they may fix upon; and that they be empowered to enforce the attendance of such criminals during the time of the performance of divine service by such Clergyman. And with regard to the sixth objection, your Committee deem it inapplicable to the local circumstances of this Colony, in consequence of its thin population, and the few criminals under punishment; the offence of Vagrancy, which in England is so rife, and to which this objection seems to the Committee more particularly to apply, being unknown in this Colony. Your Committee further recommend that a Bill, embodying the above suggestions and recommendations, be introduced in amendment of the Act of this Island relating to Prison Discipline.

*Ordered*, That the Report of the Committee be received.

On motion, *Ordered*, that the Committee who prepared the above Report, be a Committee to prepare and bring in a Bill in accordance with the said Report.

On motion, *Ordered*, that Mr. *Green* have leave to absent himself until Monday, the First of April next.

On motion, *Ordered*, that Mr. *Macnutt* have leave to absent himself until Monday the First of April next.

Adjourned until One o'clock to-morrow.

## SATURDAY, 23d March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,

Mr. *Livett*,

Mr. *Dalrymple*,

Mr. *Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*Mr. Attorney General*, from the Committee appointed to prepare and bring in a Bill, in accordance with the Report of the Committee on the subject of the Act for regulating the several Jails within this Island, and establishing Prison discipline therein, presented to the House a Bill, as prepared by the Committee, and the same, on motion, was read a first time.

On motion, Ordered, that the said Bill be read a second time on Monday next.

Adjourned until One o'clock on Monday next.

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## MONDAY, 25th March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Mr. Haviland*, President;

The Hon. *Mr. Attorney General*,

The Hon. *Mr. Macdonald*,

*Mr. Brecken*,

*Mr. Livett*,

*Mr. Goodman*,

*Mr. Dalrymple*,

*Mr. Macintosh*,

*Mr. Macgowan*.

PRAYERS.

**R**EAD the proceedings of Saturday.

Pursuant to the Order of the Day, the Bill to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein, was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow.

*Resolved*, That a copy of the Laws of this Colony, and two copies of the Journals of this House, be forwarded to His Excellency Sir John Colborne, Governor in Chief.

*Resolved*, That a copy of the Journals of this House be forwarded to each of the Houses of Assembly of Lower Canada, Upper Canada, Nova Scotia, New Brunswick and Newfoundland.

Adjourned until One o'clock to-morrow.



## TUESDAY, 26th March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

*Mr. Brecken*,

*Mr. Goodman*,

*Mr. Worrell*,

*Mr. Macdonald*,

The Hon. Mr. *Macintosh*,

*Mr. Livett*,

*Mr. Dalrymple*,

*Mr. Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Brecken*, by leave, presented a Petition from the Inhabitants of Townships Nos. 16 and 17, setting forth, that they have learned with regret, that certain individuals had convened a meeting for the purpose of petitioning the Legislative Council against the measures adopted by the House of Assembly, relative to the Fishery Reserves, and that the majority of the country were not informed of any such meeting—and praying that this House will make such order, as will secure to them the said Fishery Reserves.

The said Petition was read, and ordered to be referred to the Committee appointed to report on the Bill for the regulation of the Fishery Reserves in this Island.

Pursuant to the Order of the Day, the House was adjourned, during pleasure, and put into a Committee on the Bill to amend an Act for regulating the several Jails within this Island, and establishing Prison discipline therein—after some time the House was resumed, and Mr. *Attorney General* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with several amendments.

*Ordered*, That the Report of the Committee be agreed to.

On motion, *Ordered*, that the said Bill be engrossed.

*Ordered*, That Mr. *Macgowan* have leave to absent himself until Friday the Fifth of April next.

Adjourned until One o'clock to-morrow.

**WEDNESDAY, 27th March, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,  
*Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Worrell*,  
*Mr. Macdonald*,

The Hon. Mr. *Macintosh*,  
*Mr. Livett*,  
*Mr. Dalrymple*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from His Excellency the Lieutenant Governor, by Mr. Secreary Collins:

C. A FITZ ROY, Lieut. Governor.

The Lieutenant Governor is desirous that the Legislative Council, at its rising to-morrow, should adjourn to Tuesday the Second day of April next.

Government House, March 27th, 1839.

Read a third time, and passed, the Bill, intituled "An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein."

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

Adjourned until One o'clock to-morrow.

**THURSDAY, 28th March, 1839.**

The following Members of Council met, viz:

The Hon. Mr. *Goodman*,  
*Mr. Worrell*,  
*Mr. Macintosh*,

The Hon. Mr. *Livett*,  
*Mr. Dalrymple*.

**T**HE President being absent from indisposition, the Council could not proceed to business.

Adjourned until Tuesday next, the Second of April, at One o'clock.

## TUESDAY, 2d April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Attorney General*,  
*Mr. Worrell*,  
*Mr. Macdonald*,

The Hon. *Mr. Dalrymple*,  
*Mr. Green*,  
*Mr. Macnutt*.

**I**N the absence of the President, *Mr. Attorney General*, the senior Member present, took the Chair; and there not being a Quorum, declared the House adjourned until One o'clock to-morrow.

## WEDNESDAY, 3d April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Attorney General*,  
*Mr. Goodman*,  
*Mr. Worrell*,  
*Mr. Macdonald*,  
*Mr. Macintosh*,

The Hon. *Mr. Livett*,  
*Mr. Dalrymple*,  
*Mr. Macnutt*,

**I**N the absence of the President, *Mr. Attorney General*, the senior Member present, took the Chair.

PRAYERS.

Read the proceedings of Wednesday last.

*Ordered*, That *Mr. Brecken* have leave to absent himself until Monday next.

A Message from the House of Assembly, by the Hon. Mr. Pope,

In the House of Assembly,

Wednesday, April 3d, 1839.

Resolved, That a Committee of this House be appointed to join a Committee of the Legislative Council, for the purpose of taking charge of the Government House and Public Furniture.

*Ordered*, That the Hon. Mr. Pope, Mr. Le Lacheur, Mr. W. Dingwell and Mr. Longworth do compose the said Committee.

Ordered, That the foregoing Resolution be communicated by Message to the Legislative Council.

A Message from the House of Assembly, by Mr. D. Macdonald, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to regulate the forfeiture of Lands, and the Settlement of the Inhabitants of this Island."

A Bill, intituled "An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives."

Also with—

The Bill, intituled "An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein," agreed to, with certain amendments, to which they desire the concurrence of the Legislative Council.

Read a first time, the Bill, intituled "An Act to regulate the forfeiture of Lands, and the settlement of the Inhabitants of this Island."

Read a first time, the Bill, intituled "An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives."

On motion, the amendments made by the House of Assembly to the Bill, intituled "An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein," was read a first time, and are as follows:

*Folio 1, line 5*—After the word "Island," insert "so far only as such Rules and Regulations can be adopted, without erecting any additional Building or Buildings to the Jails lately erected."

*Folio 4, line 9*—Before the words "a Surgeon," insert "that when necessary."

*Strike out the Second section,* and instead thereof, insert the following Clause, marked (A.)

CLAUSE (A.)

"And be it further enacted, That if any person, in contravention of the existing Rules, shall carry or bring, or attempt or endeavour to carry or bring into any Prison or House of Correction, any Spirituous or fermented Liquor, it shall be lawful for the Jailer, Keeper, Turnkey, or any other of the Assistants to the said Jailer or Keeper, to apprehend, or cause to be apprehended, such offender, and to carry him or her before a Justice of the Peace, (who is hereby empowered to hear and determine such offence in a summary way) and if he shall lawfully convict such person of such offence, he shall forthwith commit such offender to the common Jail of the County in which such Offender shall be convicted, there to be kept in custody for any time not exceeding Two Months, nor less than Five Days, without Bail or Mainprize, unless such Offender shall immediately pay down such sum of money, not exceeding Forty Shillings, and not less than Five Shillings, as the Justice shall impose upon such Offender; to be paid, one moiety to the Informer, and the other moiety in aid of the maintenance of such Prisoner; and if any Justice shall receive information, upon Oath, that any spirituous or fermented Liquor is unlawfully kept or disposed of in any Prison, he may enter and search, or issue his Warrant to enter and search for such Liquor; and in case it shall be found, it shall be lawful for the persons so finding to seize the same, and cause it to be disposed of as the Justice shall direct; and if any Jailer, or Keeper of any Prison shall sell, use, lend or give away, or knowingly permit or suffer to be sold, used, lent or given away in such Prison, or brought into the same, any spirituous or fer-

mented Liquor, in contravention of the existing Rules of such Prison, he shall for every such offence forfeit and pay the sum of Five Pounds—such Penalty to be recovered in a summary way before any one Justice of the Peace, upon the Oath of one or more credible witness or witnesses; and if the said Jailer or Keeper shall not immediately pay down the said Penalty, he shall be dismissed from his office and be rendered incapable of holding the said office again; and in the event of a second conviction of any Jailer or Keeper of such offence, he shall forfeit and pay the sum of Ten Pounds, and shall be dismissed from his said office, and be rendered incapable of holding the same again; and if he shall not immediately pay down the said fine, the said Justice is hereby authorized and empowered to issue his Warrant against him, and to cause him to be imprisoned in the common Jail of the County, for a period not exceeding Two Months—the said fine or fines, if recovered from any Jailer or Keeper as aforesaid, to be applied, one moiety to the Informer, and the other moiety to be paid into the Treasury, for the use of Her Majesty's Government."

Adjourned until One o'clock to-morrow.

## THURSDAY, 4th April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Attorney General*,  
*Mr. Goodman*,  
*Mr. Worrell*,  
*Mr. Macdonald*,

The Hon. *Mr. Macintosh*,  
*Mr. Livett*,  
*Mr. Dalrymple*,  
*Mr. Green*.

PRAYERS.

**I**N the absence of the President, *Mr. Attorney General*, the senior Member present took the Chair.

Read the proceedings of yesterday.

*Mr. Green* informed the House, that indisposition prevents *Mr. Macnutt* from attending in his place.

*Ordered*, That *Mr. Macnutt's* excuse be received.

*Resolved*, That a Committee be appointed to join the Committee of the House of Assembly, for the purpose of taking charge of the Government House and Public Furniture.

*Ordered*, That *Mr. Livett* and *Mr. Dalrymple* do compose the said Committee.

*Ordered*, That the foregoing Resolution be communicated by Message to the House of Assembly.

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, 5th April, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Hon. *Mr. Attorney General*,

*Mr. Goodman*,

*Mr. Worrell*,

*Mr. Macdonald*,

The Hon. *Mr. Macintosh*,

*Mr. Livett*,

*Mr. Dalrymple*,

*Mr. Green*.

**PRAYERS.**

**I**N the absence of the President, *Mr. Attorney General*, the senior Member present, took the Chair.

Read the proceedings of yesterday.

A Message from the House of Assembly, by *Mr. Yeo*, with a Bill, intituled "An Act relating to Treasury Warrants," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o'clock to-morrow.

**SATURDAY, 6th April, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Hon. *Mr. Attorney General*,

*Mr. Goodman*,

*Mr. Worrell*,

*Mr. Macdonald*,

*Mr. Macintosh*,

The Hon. *Mr. Livett*,

*Mr. Dalrymple*,

*Mr. Green*,

*Mr. Macgowan*.

**PRAYERS.**

**I**N the absence of the President, *Mr. Attorney General*, the senior Member present, took the Chair.

Read the proceedings of yesterday.

*Mr. Green* informed the House, that indisposition prevents *Mr. Macnutt* from attending in his place.

*Ordered*, That *Mr. Macnutt's* excuse be received.

A Message from the House of Assembly, by Mr. Thomson, with a Bill, intituled "An Act to further continue for one Year, and to amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

*Ordered*, That Mr. Goodman have leave to absent himself for Ten Days.

Adjourned until One o'clock on Monday next.

## MONDAY, 8th April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. Haviland, President;

The Hon. Mr. Attorney General,

Mr. Brecken,

Mr. Worrell,

Mr. Macdonald,

Mr. Macintosh,

The Hon. Mr. Livett,

Mr. Dalrymple.

Mr. Green,

Mr. Macnutt,

Mr. Macgowan.

PRAYERS.

**R**EAD the proceedings of Saturday.

A Message from the House of Assembly, by Mr. Palmer, with a Bill, intituled "An Act for rendering more effectual the Laws now in force for regulating the Retail of strong and spirituous Liquors," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Read a second time, the Amendments made by the House of Assembly, to the Bill, intituled "An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein."

Read a second time, the Bill, intituled "An Act to further continue, for one Year, and to amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island."

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a second time, the Bill, intituled "An Act relating to Treasury Warrants."

On motion, Ordered, that this House be forthwith put into a Committee of the whole, to take the same into consideration.

The House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Dalrymple* reported, that the Committee had gone through the Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

On motion, Ordered, That the Report of the Committee be agreed to.

Ordered, That Mr. *Brecken* and Mr. *Dalrymple* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at Two o'clock.

On motion, Ordered, that the second reading of the Bill, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives," do stand as the Order of the Day for Wednesday next.

On motion, Ordered, That the second reading of the Bill, intituled "An Act to regulate the Forfeiture of Lands, and the settlement of the Inhabitants of this Island," do stand as the Order of the Day for Thursday next.

Ordered, That Mr. *Attorney General* have leave to absent himself to-morrow.

Adjourned until One o'clock to-morrow.

## TUESDAY, 9th April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Green*,

Mr. *Macdonald*,

Mr. *Macnutt*,

Mr. *Macintosh*,

Mr. *Macgowan*.

Mr. *Livett*,

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Palmer*,  
Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill, intituled "An Act relating to Treasury Warrants," and have appointed Mr. *Palmer*, Mr. *Longworth*, and the Honorables Mr. *Pope* and Mr. *J. S. Macdonald*, a Committee to manage the said Conference.



Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

Read a third time, the Amendments made by the House of Assembly to the Bill, intituled "An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein."

On motion, Ordered, that this House do agree to the said Amendments.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to their amendments.

A Message from the House of Assembly, by Mr. Le Lacheur, with a Bill, intituled "An Act to amend the Act for the Encouragement and Support of District and other Schools," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Read a second time, the Bill, intituled "An Act for rendering more effectual the Laws now in force, for regulating the Retail of Strong and Spirituous Liquors."

On motion, Ordered, That the said Bill be committed to a Committee of the whole House to-morrow.

On motion, Ordered, that the second reading of the Bill, intituled "An Act to amend the Act for the Encouragement and Support of District and other Schools," do stand as the Order of the Day for to-morrow.

Adjourned until Two o'clock to-morrow.

## WEDNESDAY, 10th April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

Mr. *Brecken*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Macintosh*,

The Hon. Mr. *Livett*,

Mr. *Dalrymple*,

Mr. *Green*,

Mr. *Macnutt*,

Mr. *Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

**Mr. Brecken**, by leave, presented a Petition from certain inhabitants of Princetown Royalty, setting forth—that they have learned with surprise, that a Memorial from that quarter had been presented to the House of Assembly, praying that House for Legislative aid in support of a School in the said Royalty, taught by Alexander Rae, A. M., and praying that this House will take the premises into consideration, and that the present School Act may be left to its operation, as regards the said Royalty.

The said Petition was received and read, and ordered to lie on the table.

*Resolved*, That a Committee be appointed to wait upon His Excellency the Lieutenant Governor, and respectfully request that he will be pleased to direct that a copy of the Commission of Sir John Colborne, and of the Royal Instructions, or of such part as His Excellency shall feel authorized to make public, be laid before this House.

*Ordered*, That **Mr. Brecken** and **Mr. Green** be a Committee for that purpose.

**Mr. Brecken**, from the Committee, to whom was referred the Bill, intituled “An Act for the regulation of the Fishery Reserves in this Island,” made a Report, which he read in his place, and is as follows:

The Committee appointed to report upon the Bill from the House of Assembly for regulating the Fishery Reserves, beg leave to state, that they have carefully gone through the Bill and taken every means to make themselves acquainted with the several subjects embraced in this important measure—that they have had recourse to the best legal information on several points of difficulty which the Bill presented—that they have made several amendments to the Bill, which they respectfully recommend for the adoption of this Honorable House; and they further beg to submit the opinions of the Attorney General and Solicitor General, and Charles Binns, sen. Esq. on the points to which their attention has been directed, and they have to express their thanks for the readiness with which those gentlemen met the wishes of the Committee in this matter, as well as for the clear and able manner in which they have afforded the explanations required of them.

For the opinions referred to in the above Report, with the queries submitted to those gentlemen, vide Appendix (A.)

On motion, *Ordered*, that the Report of the Committee be received.

*Ordered*, That the said Report be committed to a Committee of the whole House tomorrow.

**Mr. Brecken**, by leave, presented a Petition from Thomas Robinson, as Chairman of a Committee of the Loyal American Refugees and Disbanded Troops, and their Representatives, praying that this House will sanction the Bill recently passed by the House of Assembly, and now before this House, for the relief of the said American Loyalists and Disbanded Provincial Troops, and their Representatives.

The said Petition was received and read, and ordered to lie on the table.

Pursuant to Order, the Bill, intituled “An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives,” was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House on Friday next.

A Message from the House of Assembly, by Mr. Longworth, with a Bill, intituled "An Act to amend a certain Act therein mentioned, relating to Pounds," to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instantly.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

Read a first time, the Bill, intituled "An Act to amend a certain Act therein mentioned, relating to Pounds."

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act for rendering more effectual the Laws now in force for regulating the Retail of Strong and Spirituous Liquors." After some time the House was resumed, and Mr. *Livett* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

On motion, Ordered, that the Order of the Day for the second reading of the Bill, intituled "An Act to amend the Act for the Encouragement and Support of District and other Schools," be postponed until to-morrow.

Adjourned until Eleven o'clock to-morrow.

**THURSDAY, 11th April, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

Mr. *Brecken*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Macintosh*,

The Hon. Mr. *Livett*,

Mr. *Dalrymple*,

Mr. *Green*,

Mr. *Macnutt*,

Mr. *Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

The House was adjourned, during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for rendering more effectual the Laws now in force for regulating the Retail of strong and spirituous Liquors." After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, That the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

Ordered, That the said Bill be sent down to the House of Assembly.

The Council adjourned for one hour.

And being again met—

Mr. *Brecken*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, praying that he will be pleased to direct that a copy of Sir John Colborne's Commission, and of the Royal Instructions, be laid before this House, reported that they had waited on His Excellency, who was pleased to say, that he would comply with the wish of the House.

On motion, Ordered, That the Order of the Day for the second reading of the Bill, intituled "An Act to regulate the Forfeiture of Lands, and the settlement of the Inhabitants of this Island," be postponed until Monday next.

The Order of the Day for the second reading of the Bill, intituled "An Act to amend the Act for the Encouragement and Support of District and other Schools," being read,

On motion, Ordered, that the same be discharged, and that the said Bill be read a second time this day three months.

On motion, Ordered, that the Order of the Day for the House in Committee, on the Report of the Sub-Committee to whom was referred the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island," be postponed until to-morrow.

Adjourned until Ten o'clock to-morrow.

## FRIDAY, 12th April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,  
*Mr. Brecken*,  
*Mr. Worrell*,  
*Mr. Macdonald*,  
*Mr. Livett*,

The Hon. Mr. *Dalrymple*,  
*Mr. Green*,  
*Mr. Macnutt*,  
*Mr. Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time, the Bill, intituled "An Act to amend a certain Act therein mentioned, relating to Pounds."

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives." After some time, the House was resumed, and Mr. *Macgowan* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by the Hon. Mr. Pope, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders, when taken in Execution."

A Bill, intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-nine."

Also, with the following written Message:

In the House of Assembly,

Friday, April 12th, 1839.

*Ordered*, That Mr. Le Lacheur be added to the Committee appointed to keep up a good correspondence between the two branches of the Legislature.

*Ordered*, That a copy of the above Order be communicated by Message to the Legislative Council.

Read a first time, the Bill, intituled "An Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders, when taken in Execution."

Read a first time, the Bill, intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-nine."

The House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives." After some time, the House was resumed, and Mr. *Macgowan* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

On motion, *Ordered*, that the Order of the Day for the House in Committee on the Report of the Sub-Committee, to whom was referred the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island," be further postponed until to-morrow.

Adjourned until Ten o'clock to-morrow.

## SATURDAY, 13th April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

The Hon. Mr. *Dalrymple*,

Mr. *Brecken*,

Mr. *Green*,

Mr. *Worrell*,

Mr. *Macnutt*,

Mr. *Macdonald*,

Mr. *Macgowan*.

Mr. *Livett*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Macdonald* informed the House that indisposition prevents Mr. *Macintosh* from attending in his place.

*Ordered*, That Mr. *Macintosh's* excuse be received.

The House was adjourned, during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives." After some time, the House was resumed, and Mr. *Macgowan* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again on Monday next.

*Ordered*, That the Report of the Committee be received, and leave granted.

Mr. *Brecken*, by command of His Excellency, laid before the House a copy of the Commission of Sir John Colborne, as Captain General and Governor in Chief; also, a copy of the Royal Instructions accompanying the said Commission. Which were ordered to lie on the table.

Vide Appendix (B.)

Read a second time, the Bill, intituled "An Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders, when taken in Execution."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendment, viz:

*Folio 2, line 6*—Strike out the word "Two," and insert the word "Ten."

On motion, *Ordered*, That the Report of the Committee be agreed to.

*Ordered*, That the Amendment be engrossed.

Read a second time, the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-nine.

Adjourned until Eleven o'clock on Monday next.

## MONDAY, 15th April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

The Hon. Mr. *Livett*,

Mr. *Brecken*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Green*,

Mr. *Macdonald*,

Mr. *Macnutt*,

Mr. *Macintosh*,

Mr. *Macgowan*.

PRAYERS.

**R**EAD the proceedings of Saturday.

Read a third time, and passed, the Bill, intituled "An Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders, when taken in Execution," with the amendment.

*Ordered*, That the said Bill, with the Amendment, be sent down to the House of Assembly for their concurrence.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives." After some time the House was resumed, and Mr. *Macgowan* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. D. Macdonald, with a Bill, intituled "An Act to revive and continue an Act therein mentioned, relating to the shutting up of old Roads," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the said Bill was read a second time.

The House was adjourned, during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives. After some time the House was resumed, and Mr. *Macgowan* reported, that they had gone through the Bill, and that they had agreed to the same, with the following Amendments:

*Folio 1, line 10*—Strike out from the word "Claimants" to the word "accepted," in the third line of the second folio, both inclusive, and insert—' Proprietors of Lands in this Island, or their Attorneys for them, signed and delivered a Paper to the Right Honorable Lord North, at that time one of His Majesty's Principal Secretaries of State, of which the following is a Copy, viz:—

' We the undersigned Proprietors of Lands in the Colony of *Saint John*, being informed that many of the Loyalists at *New York* prefer a Settlement in that Island to one in *Nova Scotia*; and being very desirous of encouraging such a preference, and of affording an Asylum to those deserving fellow subjects, do engage for ourselves, or as Attorneys for others, to grant, as we hold of the Crown, and in the same proportions to each family as the other Loyal Emigrants receive in *Nova Scotia*, One fourth of the quantity of Lands placed opposite to our Names, which they shall receive, upon their arrival at *Charlottetown*, by application to the Governor and Council: and that they may receive the said Lands in the fairest and most impartial manner, we will direct that the whole be divided by the Surveyor General into Parcels, of not less than One Thousand Acres each, and drawn for by Ballot before the Governor and Council. In consideration of the preference expressed by those Loyal Emigrants, and of the conditions offered by us, we have the fullest confidence that your Lordship will give instructions to the Commander-in-Chief of His Majesty's Forces at *New York*, to furnish such Loyalists as prefer a settlement in *Saint John's*, with Provisions and Transports to carry them to *Charlottetown*, and every other necessary, such as is given to those who go to *Nova Scotia*: and that your Lordship will also give such instructions to the Governor of *Saint John's*, as will place such Emigrants, in every respect, on a similar footing with their brethren who settle in *Nova Scotia*. The undersigned are the more zealous in promoting this measure, as they are persuaded it will greatly advance the prosperity of an infant Colony, which, from its



' natural and relative situation, is peculiarly adapted to become a permanent and valuable possession to *Great Britain*. And they confide in your Lordship's wisdom and equity, that you will obtain for them such an abatement of Quit Rent, as will place them on an equality with their neighbouring Colonies, and, by that means, remove a cause which may prevent many faithful subjects to this Country from emigrating to that Island from the *American States*, and which has hitherto obstructed the settlement and prosperity of this Colony.'

(Signed)

|                                                                                                                     | Acres. |
|---------------------------------------------------------------------------------------------------------------------|--------|
| Edward Lewis, - -                                                                                                   | 20,000 |
| John Townson, - -                                                                                                   | 10,000 |
| John Stuart, - -                                                                                                    | 10,000 |
| Richard Burke, - -                                                                                                  | 15,000 |
| John Moteux, - -                                                                                                    | 20,000 |
| Robert Mackay, - -                                                                                                  | 20,000 |
| Alexander Anderson, -                                                                                               | 20,000 |
| John Patterson, - -                                                                                                 | 20,000 |
| John Patterson, Attorney for Walter Patterson, - -                                                                  | 40,000 |
| John Patterson, Attorney for Andrew Todd, - -                                                                       | 21,000 |
| John Patterson, for Isaac Todd,                                                                                     | 20,000 |
| John Townson, for Charles Pearce,                                                                                   | 10,000 |
| Daniel Berreau, for Isaac Panchard,                                                                                 | 20,000 |
| Lawrence Sullivan, - -                                                                                              | 30,000 |
| Philip Stephens, - -                                                                                                | 20,000 |
| Lord Townshend, for Acres and gives Two Thousand to a Loyalist, who is to draw for it in the mode prescribed above, | 20,000 |
| Lord Townshend, for General Honeywood, - -                                                                          | 10,000 |
| Lord Townshend, for the Lord Chief Baron Montgomery,                                                                | 60,000 |

*Folio 2, line 3*—After the word "accepted," insert the word "and."

*Folio 7, line 8*—After the word "Law," insert "also."

*Folio 16, line 14*—Strike out from the word "on" to the word "Island," in line 19, inclusive.

*Folio 17, line 1*—Strike out from the word "and" to the word "conditions," in the third line of the same folio.

*Same folio, lines 4 and 9*—Strike out the word "that."

*Same folio, line 20*—Strike out from the word "Claimants" to the word "Townships," in folio 18, line 2, and insert "Proprietors of Townships, who purchased them from the Grantees, the said Grantees and Purchasers having neglected to perform the conditions of their Grants from the Crown."

*Folio 18, line 6*—Strike out from the word "raising," to the word "instituted," inclusive, and insert the words "did institute."

*Same folio, line 11*—After the word "Chancery," insert the word "and."

*Same folio, line 16*—Strike out from the word "or," to the word "Lands," inclusive.

*Folio 19, line 2*—Strike out from the word "behoof," to the word "the," on the 5th line, inclusive.

*Same folio, line 6*—After the word "Loyalists," insert "and disbanded Troops."

*Same folio, line 8*—After the word "locations," insert "and which Act subsequently received His Majesty's assent."

*Same folio, line 10*—Strike out from the word "and," to the word "thereof," in the 3d line, folio 20, inclusive.

*Folio 20, line 3*—Strike out from the word "and," to the word "claimants," in line 10.

*Same folio, line 11*—Strike out "the want of means," and insert "their poverty."

*Same folio, line 13*—After the word "Law," insert the words "and Equity, the said Loyalists and others."

*Same folio, line 24*—Strike out from the word "and," to the word "Government," in the last line, inclusive.

*Folio 21, line 3*—After the word "all," insert "such."

*Same folio, line 10*—Strike out the words "Proprietary Claimants," and insert "Proprietors."

*Same folio, line 17*—After the word "Lands," insert the words "in the proportion hereinafter mentioned."

*Same folio, same line*—Strike out from the word "now," to the word "hereafter," and insert "at the time being may."

*Same folio, line 23*—Strike out the word "competent," and insert the word "lawful."

*Folio 22, line 8*—Strike out from the word "get," to the word "made," inclusive, and insert the words "and he is hereby empowered to examine such Witnesses on oath, and to take such affidavits."

*Same folio, line 16*—Strike out the words "every one," and insert the word "each."

*Same folio, line 19*—After the word "all," insert the word "American."

*Same folio, line 23*—After the word "lodge," insert the word "the."

*Folio 23, line 4*—Strike out the word "state," and insert the word "statement."

*Same folio, line 14*—Strike out the words "and attested."

*Same folio, line 15*—Strike out the word "state," and insert the word "statement."

*Folio 25, line 8*—Strike out from the word "providing," to the word "Crown," in the last line, both inclusive.

*Folio 26, line 4*—Strike out from the word "that," to the word "hereafter," both inclusive, and insert "which at the time being may."

*Same folio, line 7*—Strike out from the word "at," to the word "purchase," in the 11th line, inclusive, and insert "a Grant for such quantity of Land as he or his ancestors, or the vender under whom he claims, would have been entitled to, as such American Loyalist, disbanded Officer or Soldier, as aforesaid."

"Provided always, and be it further enacted, That if any American Loyalist, disbanded Officer or Soldier, as aforesaid, his Heirs or Assigns, shall succeed in substantiating to the satisfaction of the said Commissioner, and of the said two branches of the Legislature, his or their claim to any particular quantity or description of Land, by virtue of any location, or of any Minute of Council, ordering any such particular quantity or description of Land to be located to such American Loyalist, disbanded Officer or Soldier, which Land, at the time of the passing of this Act, shall continue to remain in the seisin or possession of any Proprietor or Proprietors, by whom or on whose behalf the aforesaid Memorial to the Right Honorable Lord North was subscribed and delivered, or in the seisin or possession of persons claiming by inheritance from or under the said Proprietor or Proprietors, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, to issue a Warrant of Survey to the Surveyor General, directing him to lay off and survey such quantity and description of Land, as the said American Loyalists, disbanded Officers or Soldiers, their

Heirs and Assigns, shall so succeed in establishing their claims to; and upon the due Execution of the said Warrant of Survey, and the return thereof into the Secretary's Office, a Grant shall be issued by the Administrator of the Government for the time being, under the Great Seal of this Island, of the Land so laid off and surveyed to the said American Loyalists, disbanded Officer or Soldier, his Heirs or Assigns; and in case the said Proprietor or Proprietors, their Heirs or Representatives, shall have sold or leased such Lands before the passing of this Act, then it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Executive Council, to issue a Warrant of Survey to the Surveyor General, directing him to lay off and survey other portions of unoccupied Land remaining in the possession of the said Proprietor or Proprietors, his Heirs or Representatives, to the extent to which the said American Loyalists, disbanded Officers or Soldiers, their Heirs or Assigns, would become entitled by virtue of such claims as aforesaid; and upon the due execution of the said Warrant of Survey, and the return thereof into the Secretary's Office, a Grant shall be issued by the Administrator of the Government for the time being, under the Great Seal of this Island, of the Lands so laid off and surveyed to the said American Loyalist, disbanded Officer or Soldier, his Heirs or Assigns.

*Folio 27, line 9*—Strike out from the word "Provided," to the word "aforesaid," in line 18, inclusive.

#### SCHEDULE (A.)

*Lines 9 and 10*—Strike out the words "hereby certify," and insert the words "make oath and say."

*Line 10*—Strike out the word "state," and insert the word "statement."

*Line 13*—After the word "attest," insert the word "the."

*Line 18*—Leave out the words "an entire," and insert the word "the."

*Last line*—Strike out the word "in," and insert the words "to substantiate."

#### SCHEDULE (B.)

*Line 7*—After the word "shilling," insert "For every oath ."

On motion, Ordered, that the Report of the Committee be agreed to.

*Ordered*, That the Amendments be engrossed.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Report of the Sub-Committee, to whom was referred the Bill, intituled "An Act for the Regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Eleven o'clock to-morrow.

**TUESDAY, 16th April, 1839.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

Mr. *Brecken*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Macintosh*,

The Hon. Mr. *Livett*,

Mr. *Dalrymple*,

Mr. *Green*,

Mr. *Macnutt*,

Mr. *Macgowan*.

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill, intituled "An Act to revive and continue an Act therein mentioned, relating to the shutting up of old Roads."

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Read a third time, and passed, the Bill, intituled "An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives," with the Amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly for their concurrence.

The House was adjourned, during pleasure, and put into a Committee on the further consideration of the Report of the Sub-Committee, to whom was referred the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again to-morrow.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Eleven o'clock to-morrow.



## WEDNESDAY, 17th April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

*Mr. Brecken*,

*Mr. Worrell*,

*Mr. Macdonald*,

*Mr. Macintosh*,

The Hon. Mr. *Livett*,

*Mr. Dalrymple*,

*Mr. Green*,

*Mr. Macnutt*,

*Mr. Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

The House was adjourned, during pleasure, and put into a Committee, on the Bill, intituled "An Act to amend a certain Act therein mentioned, relating to Pounds." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. Thomson, with a Bill, intituled "An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a Nautical Survey of the Harbours of Charlottetown and Three Rivers," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

The House was adjourned during pleasure, and put into a Committee on the further consideration of the Report of the Sub-Committee, to whom was referred the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again to-morrow.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Eleven o'clock to-morrow.

## THURSDAY, 18th April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

The Hon. Mr. *Livett*,

Mr. *Brecken*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Green*,

Mr. *Macdonald*,

Mr. *Macnutt*,

Mr. *Macintosh*,

Mr. *Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. D. Macdonald,  
Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the amendment made to the Bill, intituled "An Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders, when taken in Execution," and have appointed Mr. D. Macdonald, Mr. Le Lacheur, Mr. Rae and Mr. Fraser a Committee to manage the said Conference.

On motion, Ordered, that a Conference be agreed to, as is desired by the House of Assembly.

Ordered, That Mr. *Attorney General* and Mr. *Livett* be a Committee to manage the said Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported, that they had met the Committee of the House of Assembly, who stated to them that the House of Assembly had disagreed to the Amendment made by the Council, to the Bill, intituled "An Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders, when taken in Execution," for the following reasons:

1st. That the Leasehold Interests are of unequal value, some being for a long term of years, and others for a shorter period; some leases are at a high rent, and probably of no value, while on other leasehold lands the Tenants improvements far exceeds the Landlord's fee simple interest, and it is necessary that the Legislature should at an early period take the subject into consideration, and bring in a Bill more generally applicable to the different classes of leaseholders.

2d. That the reason which induced the House of Assembly to pass the Bill in its present shape, was, that the late period of the Session rendered it in many respects inconvenient

to enter upon the full consideration of a subject upon which such a variety of opinions were known to be entertained, and therefore that to pass the Bill for a shorter period than that proposed by the Legislative Council, would, without subjecting Leaseholders to any practical inconvenience, afford to the Members of both Houses of the Legislature sufficient time to mature their opinions upon a subject so important to a large class of the community.

On motion, Ordered, that this House do adhere to their Amendment.

On motion, Ordered, that a further Conference be desired with the House of Assembly on the subject matter of the last Conference.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instanter; and that the Committee of this House be instructed to state to the Committee of the House of Assembly, that the Council do adhere to their Amendment, for the following reasons:

That the adoption by the House of Assembly of the Amendment made by the Legislative Council to the Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders, when taken in Execution, will not preclude the Assembly, at its next or any subsequent Session, from proposing to the Council any well-matured plan for further protecting the Interest of Leaseholders, when taken in Execution; and while no greater inconvenience can possibly arise in altering or amending the Act in question, should the same be deemed necessary, whether it be passed for ten years or for two years, it will effectually insure protection to this deserving class of settlers, under any circumstances, for a longer period of time than that limited in the Act, as sent up by the House of Assembly.

A Message from the House of Assembly, by Mr. D. Macdonald.

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the subject matter of the last Conference; and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

Thereupon the Committee went to the Conference, and having returned, reported, that they had complied with the instructions given them by this House.

The House was adjourned during pleasure, and put into a Committee on the further consideration of the Report of the Sub-Committee, to whom was referred the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. Brecken reported, that the Committee had gone through the Report of the Sub-Committee, and that they had agreed to the same, with the following amendments:

*Folio 1, line 6*—Strike out from the word "issued," to the word "made," in the 16th line of folio 19, both inclusive, and insert—"bearing date on the Eighth day of July, in the year of our Lord One thousand seven hundred and sixty-seven, was graciously pleased to direct, that in order to promote and encourage the Fisheries, for which many parts of this Island are conveniently situated, there be a clause in the Grant of each Township that abuts upon the sea shore, containing a Reservation of liberty to all His Majesty's subjects in general, of carrying on a free Fishery on the coasts of the said Township, and of erecting Stages and other necessary Buildings for the said Fishery, within the distance of five hundred feet from highwater mark:

And whereas the Grants of Townships Numbers Two (2), Ten (10), Fifteen (15), Sixteen (16), Nineteen (19), Twenty-one (21), Twenty-three (23), Forty-three (43), Forty-five (45), Forty-seven (47), Fifty-three (53) and Fifty-nine (59), contain the following reservation:—‘And further saving and reserving a free liberty to all His Majesty’s subjects of carrying on a free fishery or fisheries on any part or parts of the coasts of the said Township, and of erecting stages, and other necessary buildings for the said fishery or fisheries, within the distance of Five hundred feet from highwater mark:’ And whereas the Grants of Townships Numbers One (1), Three (3), Four (4), Five (5), Seven (7), Nine (9), Thirteen (13), Fourteen (14), Eighteen (18), Twenty-two (22), Twenty-four (24), Thirty (30), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42), Fifty (50), Fifty-one (51), Fifty-four (54), Fifty-five (55), Fifty-six (56), Sixty-one (61), Sixty-two (62), Sixty-three (63) and Sixty-four (64) contain the following reservation:—‘And further saving and reserving, for the disposal of His Majesty, his Heirs and Successors, Five hundred feet from high water mark, on the coast of the Tract of Land hereby granted, to erect stages, and other necessary buildings for carrying on the Fishery:’—And whereas the Right Honorable Lord Glenelg, Her Majesty’s Principal Secretary of State for the Colonies, by two several Despatches, bearing date respectively the Tenth day of May, and the Fourteenth day of September, One thousand eight hundred and thirty-eight, conveyed authority to the Lieutenant Governor of this Island for throwing open to all British subjects engaged in the said Fisheries, the said last mentioned reservations, and to place the same under the same conditions and restrictions as those which have been reserved for the use of all British subjects engaged in the Fisheries, to be regulated by such Laws as might be found necessary for preventing improvident and injurious practices in carrying them on: And whereas but a small proportion of the said Reservations has hitherto been required for the purpose of carrying on a Fishery, and many of them have been sold and leased with the adjoining Lands, by the original Grantees of such Townships, or their Heirs or Assigns, and have been cleared and cultivated, and dwelling houses and other valuable buildings have been erected thereon; and it is but just and equitable that the said Lessees and Purchasers, and their Heirs and Assigns, should be quieted in their respective possessions of the said Reservations, and that the future uses and occupations of the said Reservations should be regulated by Law:—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the clause in the Grants from the Crown, of the following Townships, to wit, Numbers One (1), Three (3), Four (4), Five (5), Seven (7), Nine (9), Thirteen (13), Fourteen (14), Eighteen (18), Twenty-two (22), Twenty-four (24), Thirty (30), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42), Fifty (50), Fifty-one (51), Fifty-four (54), Fifty-five (55), Fifty-six (56), Sixty-one (61), Sixty-two (62), Sixty-three (63) and Sixty-four (64), reserving Five hundred feet on the coasts thereof respectively, for the disposal of His Majesty, his Heirs and Successors, for a Fishery, shall be construed to have the same meaning and effect, so far as extending the right to all British subjects to the use of the said Reservations, for the purpose of carrying on a Fishery thereon, with the reservations contained in the Grants from the Crown of the following Townships, to wit, Numbers Two (2), Ten (10), Fifteen (15), Sixteen (16), Nineteen (19), Twenty-one (21), Twenty-three (23), Forty-three (43), Forty-five (45), Forty-seven (47), Fifty-three (53) and Fifty-nine (59)—any thing in the said Grants of the said first enumerated Townships to the contrary thereof in any wise notwithstanding.

And whereas no Grants from the Crown of the following Townships appear on record in this Island, to wit, Numbers Eight (8), Twelve (12), Twenty (20), Twenty-five (25), Forty-four (44) and Forty-six (46): Be it therefore enacted, That if, at any period after the passing of this Act, any of the said Grants shall be placed on record, and it shall appear that a reservation on the coast thereof, in the form of either of the Reservations set forth in the preamble of this Act, is contained in the same, then the said Reservation in the said Grant, so recorded, shall be subject to all the enactments and provisions contained in this Act, relating to the Reservations in the Grants from the Crown, of the several Townships herein-before enumerated.



And be it further enacted, That in all cases where any person or persons, who at the time of the passing of this Act shall be in the *bona fide* possession or occupation of any of the said Fishery Reserves, either by virtue of any Deed, Grant, Lease, or Agreement for Lease, or other Conveyance, from any original Grantee, his Heirs or Assigns, every such person or persons, their Heirs, Executors, Administrators or Assigns, shall be, and they are hereby confirmed in their several possessions and occupations as aforesaid, subject nevertheless to the right reserved for a free Fishery for all Her Majesty's subjects, as herein-after provided, under the following limitation and restriction (that is to say)—that no portion of the said Reserve which shall be occupied by any Building of any description, Farm-yard, Garden, Orchard, Mill-dam or Shipyard, or on the front side, or end nearest the coast of any Building, Farm-yard, Garden, Orchard, Mill-dam or Shipyard, or within the space of Sixty feet of any other side or end of any Building, Farm-Yard, Garden, Orchard, Mill-dam or Shipyard, as aforesaid, shall be liable to be occupied for the purpose of carrying on the said Fishery during the continuance of the term for which such person or persons shall be in such *bona fide* possession or occupation, as aforesaid.

And be it further enacted, That to prevent persons holding such Reserves, or any part or parts thereof, under any demise or lease, or agreement for a demise or lease, (whether the same be written or parol), from any Proprietor or Proprietors of any Lands adjoining thereto, from being harassed by suits at Law, for the recovery of any Rent already accrued due, or that might hereafter accrue due, thereon, in respect of such part or parts of the said Reserves, under any such demise or lease, or agreement for a demise or lease, as aforesaid, no Proprietor or Proprietors shall be entitled to bring any action, or recover in any Court of Law in this Island, against any Tenant or Tenants, Lessee or Lessees, in the occupation of any part or parts of the said Reserves, under any such demise or lease, or agreement for a demise or lease, as aforesaid, for any rent due, or hereafter to accrue due, in respect of such Reserves: And if on the trial of any action for Rent, the Defendant or Defendants shall prove that all the Rent for which such action shall upon such trial appear to have been brought has been paid or satisfied, except such portion thereof as may have accrued due in respect of land on the said Reserve, then such Defendant or Defendants may give this Act in evidence, under the general issue, and the same shall in such case be held a sufficient answer in any Court of this Island, to entitle such Defendant or Defendants to a Verdict in his or their favor; and the said Court shall tax to the said Defendant or Defendants such costs as are usually taxed, when a Verdict is given for the Defendant in said Court: Provided always, that nothing herein contained shall extend, or be construed to extend, to any suit or suits, action or actions, now instituted or pending, or which shall be brought or commenced before the passing of this Act, in any Court of this Island.

And be it further enacted, That no such Tenant or Tenants, Lessee or Lessees, shall be entitled to bring any action or suit, either at Law or Equity, in against any Proprietor or Landlord who shall have demised or leased, or agreed to demise or lease, any of the said Reserves, or any parts or portions thereof, for any damages whatsoever, by reason of the said Tenant or Tenants, Lessee or Lessees, being evicted from, or disturbed in his or their possession of such Reserves, or any part thereof, by virtue of this Act: and in any action or suit so brought or commenced in any Court of Law or Equity, for the purposes aforesaid the Proprietor or Landlord may give this Act in evidence, as a full answer thereto; and if such suit or action shall be brought at Law, the Defendant or Defendants shall be entitled to a Verdict in his or their favor, with costs, to be taxed as usual in such cases; and if in Equity, the Complainant's Bill shall be dismissed with costs to the said Defendant or Defendants, as is usual in such cases.

And whereas great mischief and inconvenience may result from permitting persons wrongfully in possession of parts of the said Reserves to hold the same against the Proprietor, Lessor or Owner of the Lands adjacent to, and in the rear thereof, notwithstanding such persons may be liable to be ejected or removed from such Lands in rear thereof:—For the preventing of which, be it therefore enacted, That whenever any Proprietor, Lessor or Owner of Lands immediately in rear and adjacent to the said Fishery Reserves, shall, would or may be able to maintain an action against the Tenant or Tenants, Occupier or Occupiers of such Lands, for recovering the possession thereof, such Proprietor, Lessor or Owner shall also

have a right to enter into or maintain an action against such or any Tenant or Tenants, Occupier or Occupiers, having or being in possession of any part or parts of the said Reserves, adjacent to and in front of such Lands, unless such Tenant or Tenants, Occupier or Occupiers, shall shew a good and legal right and title thereto, or to the possession thereof:—And in like manner, be it further enacted, That whenever any Rent shall be due and in arrear, for and in respect of any Lands adjacent to, and in the rear of the said Reserves, and the Lessor or Landlord thereof shall be entitled to distrain therefor on such Lands, it shall and may be lawful for such Lessor or Landlord to enter upon any part or parts of the said Reserve, and distrain thereon, for the purpose of satisfying such arrears of Rent, although by virtue of this Act, such Rent may be only due and in arrear in respect of or chargeable on the Land adjacent to, and in rear of the part of the said Reserves upon which such entry may be so made, or distress taken: Provided, that the person or persons in possession of the part of the said Reserves, into which such Lessor or Landlord shall go, enter or distrain, be Tenant or Tenants, Occupier or Occupiers of the Land adjacent to and in rear thereof, and in respect of which such Rent shall have accrued due: And further provided always, that nothing in this clause contained shall extend, or be construed to extend, to give any right of action or suit against or in any way to enable or empower any Proprietor, Lessor or Owner, to disturb, injure or molest any person or persons in the possession of, or occupying any part of, the said Reserves for fishing purposes, according to and under the provisions of this Act, or to extend, or be construed to extend, to affect, change, alter, take away, or in anywise interfere with the right of Her Majesty, her Heirs or Successors, to the whole, or any part, or the said Reserves; but that as between her said Majesty, her Heirs and Successors, and such Proprietors, Lessors or Owners, the right to the said Reserves shall stand and be in the same plight and condition as if this clause had not been enacted.

And be it further enacted, That where any land that may be bounded by the sea coast of this Island has been granted or sold by the Crown, or on behalf of the Crown, or by the authority of the Act of the General Assembly intituled *An Act to authorize the sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands*, in pieces or parcels not exceeding Three hundred acres in one piece or parcel, without any allowance or deduction having been made for the said Reservation in the said Grants or Deeds, then, and in such case, such Grantee or Feoffee shall not be liable or subject to the said Reservation, but shall retain the same, and keep possession thereof, peaceably and quietly, the same as if this Act had not been made.

And whereas it is not reasonable or just that the Freeholders and Tenantry of this Island should be harassed with frequent and expensive litigation, if it can be prevented; but it is nevertheless probable, that in consequence of the numerous disputes and controversies likely to occur, as to the extent of the said Fishery Reserves, they will be exposed to the same, unless the extent of the said reserves be in some way defined and ascertained—For remedying of which, and for the preventing of harassing and ruinous litigation, be it therefore further enacted, That as soon as conveniently may be, after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief, by and with the advice of Her Majesty's Executive Council, to appoint three fit and proper persons (of whom the Surveyor General of this Island for the time being shall be one), to be Commissioners for ascertaining and settling the extent of the said Fishery Reserves, in the manner hereinafter directed; which said Commissioners (being first duly sworn, before some Judge of the Supreme Court of this Island, well and faithfully to discharge the duties of their office, according to the best of their skill and judgment) shall within Twelve Months after their appointment, examine the Headlands or Entrances of the several harbours or inlets on the coasts of this Island, and define and settle the same, by declaring what respective headlands or points shall be considered and held to form the mouth or entrance of such harbours or inlets respectively: And the said Commissioners shall thereupon make a Report and Plan of their proceedings, under their hands, clearly pointing out and specifying the respective headlands or points so defined and settled by them as aforesaid, and shall file the same in the office of the Surveyor General of this Island—which Plan or Report, so filed as aforesaid, shall be received and taken as conclusive evidence of the proceedings of said Commissioners, in all the Courts of this Island; and that none of the said Fishery Reserves shall be held or construed to extend or come within the Mouth or Entrance of any harbour or inlet on the coast of this Island, beyond such respective

headlands or points so defined and settled as aforesaid: and in case of the death, absence or removal of any of the said Commissioners, before the whole duty of their office shall have been completed, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, to appoint another or others in the place of such Commissioner or Commissioners so dying or being absent, or removing. Provided always, that the power of the said Commissioners shall not extend to declare any of the Marshes or Sandhills, or any part thereof, on the coasts of this Island, to be within the said Fishery Reserves; but the same are hereby declared not to extend to the said Marshes or Sandhills, or any part thereof—anything in the Reservations contained in the said Grants from the Crown of the respective Townships or Islands belonging thereto, to the contrary thereof, in any wise notwithstanding.

And be it further enacted, That as soon as may be, after the said Commissioners shall have made a Report and Plan of their proceedings as aforesaid, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, to appoint Two or more persons, as Conservators of Fishery Reserves, in each of the Counties of this Island, who shall have full power and authority to enter into, examine, lay off and admeasure any parts of the said Reserves, in their respective Counties, in such form and manner as are hereinafter directed by this Act.

And be it further enacted, That when and as often as any person or persons shall be desirous of obtaining any part or parts of any of the said Fishery Reserves, for the purpose of carrying on a free Fishery, he shall apply to one or more of the Conservators appointed for the County in which such Reserve is situated (which application shall be made in writing, on or before the First day of *April*, in each and every year), and shall also make and subscribe the affidavit to this Act annexed, marked (A.), before the said Conservator, who is hereby empowered and required to administer the Oath and attest the same; whereupon the said Conservator is authorized and directed to proceed, without unnecessary delay, to examine the particular part of the said Fishery Reserve which the said applicant is desirous of obtaining; and if the said Conservator shall be of opinion that the said situation, so applied for, be eligible for the purpose for which it is required, he shall thereupon lay off a proportion of the said Fishery Reserve, to the extent to which the said applicant may be entitled, as is herein-after provided; and shall grant a Certificate, under his hand, stating the name of the person, if any, in the possession thereof, and describing the Boundaries, and the area thereof, and whether the same is in a cultivated or wilderness state—which Certificate shall be furnished to the person or persons applying for the said Fishery Reserve, who is thereupon required to serve a copy of the same at the Dwelling House of the person in possession of the same, if any; and within ten days next after such service, it shall and may be lawful for the said person or persons, to whom the said Certificate of the said Conservator is granted, to enter into possession, and occupy the said Fishery Reserve described in the said Certificate, so long as it shall be required for the *bona fide* purpose of carrying on a free Fishery as aforesaid: and in case the said Fishery Reserve shall be in a wilderness and unoccupied state, then it shall and may be lawful for the person or persons to whom the same has been allotted by the said Conservator, to enter into, take possession of, and occupy the same immediately upon the Certificate from the said Conservator being granted: Provided always, that if within four months next after granting such Certificate, no possession or occupation shall have taken place by such person or persons obtaining the same, then the said Certificate shall be void, and of no effect: Provided also, that in all cases where any person or persons shall consider himself or themselves aggrieved, by reason of any Station being selected and certified by any such Conservator, and which he or they shall consider ineligible or too extensive for the purposes required, then, and in such case, every such person shall have the right to appeal to the Supreme Court of Judicature, at any time within ten days after service of such Certificate, by giving to the said party applicant notice, in writing, of such his or their intention—which notice shall be in the form of the Schedule to this Act annexed, marked (B.); and upon hearing evidence thereupon, the said Court is hereby authorized and empowered, in a summary way, either to confirm the said Certificate, or vary or lessen the same, as to the said Court shall appear most conducive to the ends of justice, and in its discretion to give to either party such costs as the Court may award.

And be it enacted, That no person or persons shall be deemed to be carrying on a Fishery, under the meaning of this Act, unless such person or persons shall keep at least one good and sufficient Boat, of not

less than eighteen feet keel, properly equipped, and manned with at least four able-bodied men, and shall keep the same exclusively employed, for and during the space of Ninety days, between the First day of *May*, and the First day of *October*, in carrying on the Fishery; and that no person or persons shall occupy more than twenty feet of the front of the said reserved Lands for every male person.

Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent any of Her Majesty's subjects, engaged in fishing Mackerel, Herrings or Alewives, from drying his or their nets, or from curing the fish so taken, on any part of the said reserved Land, not being previously occupied for the purpose of carrying on the Fishery.

And be it further enacted, That nothing in this Act contained shall be construed to prohibit or prevent any person or persons, who shall carry on a Fishery under the provisions of this Act, and who shall erect any Building or Buildings for that purpose on said Reserves, from removing such Building or Buildings, or from disposing, by himself or themselves, or his or their Heirs, Executors, Administrators or Assigns, of the said Building or Buildings, to any other person or persons who may continue to carry on said Fishery, as contemplated by this Act: Provided always, that if any such person or persons shall cease to carry on such a Fishery, between the First day of *May*, and the First day of *November*, in any year, or shall neglect to dispose of or remove such Building or Buildings, during the period aforesaid, then he or they shall forfeit the title of possession to such Premises, and the Buildings erected thereon, and the same may be occupied by any other person or persons, who shall, in the manner hereinbefore directed, have obtained the same for the purposes of the Fishery.

*Folio 20, line 8*—After the word "thereof," insert "or of the Islands adjacent thereto."

*Folio 21, line 1*—Strike out from the word "Provided," to the word "Stores," in the last line of folio 22, both inclusive, and insert—

And be it further enacted, That if any person or persons shall knowingly or wilfully make a false affidavit or oath, in any case wherein affidavits or oaths are required to be made or taken, under and by virtue of this Act, such person or persons, on due conviction thereof, shall be subject to the pains and penalties imposed by law upon persons guilty of wilful and corrupt perjury.

#### SCHEDULE (A.)

I *A. B.* of                      in the County of                      do make oath and say, that I am a British subject, and am desirous of embarking in the Fishing Trade of this Island, and intend to prosecute the same to such extent as I conceive will entitle me, under the provisions of the Act intituled *An Act for the regulation of the Fishery Reserves in this Island*, to a certain piece of Fishery Reserve Land, situate at                      on Township Number                      or                      Island, in the County of                      and fronting on                      and that I wish to obtain possession of the said piece of Land, for the *bona fide* purpose of carrying on the business of the Fishery, and such uses as are immediately connected therewith, and for no other use or purpose whatsoever.

Sworn at                      the                      }  
day of                      before me,  
*A. B. Conservator.*

#### SCHEDULE (B.)

Take notice, that I do appeal against the order made by the Conservator of Fishery Reserves, made in your favour, for a portion of the land in my occupation, situate on Township Number                      in the County of                      for that [*here insert the reasons of appeal*], and that it is my intention to move the Supreme Court, at its next sitting in the said County, to hear and determine the said appeal according to law.

Dated this                      day of                      183

To Mr. C. D.

On motion, Ordered, That the Report of the Committee be agreed to.

*Ordered*, That the Amendments be engrossed.

Read a second time, the Bill, intituled "An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a Nautical Survey of the Harbours of Charlotte-town and Three Rivers."

The House was adjourned, during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Green* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Eleven o'clock to-morrow.

## FRIDAY, 19th April, 1839.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

*Mr. Brecken*,

*Mr. Worrell*,

*Mr. Macdonald*,

*Mr. Macintosh*,

The Hon. Mr. *Livett*,

*Mr. Dalrymple*,

*Mr. Green*,

*Mr. Macnutt*,

*Mr. Macgowan*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. D. Macdonald, with the Bill, intituled "An Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders, when taken in Execution"—agreed to, as amended by the Legislative Council.

Read a third time, and passed, the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island," with the amendments.

*Ordered*, That the said Bill, with the Amendments, be sent down to the House of Assembly for their concurrence.

The House was adjourned, during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to amend a certain Act therein mentioned,

relating to Pounds." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, That the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until Eleven o'clock to-morrow.

## SATURDAY, 20th April, 1839.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

The Hon. Mr. *Livett*,

Mr. *Brecken*,

Mr. *Dalrymple*,

Mr. *Goodman*,

Mr. *Green*,

Mr. *Worrell*,

Mr. *Macnutt*,

Mr. *Macdonald*,

Mr. *Macgowan*.

Mr. *Macintosh*,

### PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a Nautical Survey of the Harbours of Charlottetown and Three Rivers." After some time, the House was resumed, and Mr. *Green* reported, that the Committee had gone through the Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

On motion, Ordered, that the Report of the Committee be agreed to.

*Ordered*, That Mr. *Attorney General* and Mr. *Green* be a Committee to manage the said Conference, to meet in the Committee Room instant.

A Message from the House of Assembly, by the Hon. Mr. *Pope*, with the Bill, intituled "An Act to prevent the Issue, Re-Issue, or circulation of Private Bank Notes in this Island," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

The House was adjourned for one hour.

And being met—

A Message from the House of Assembly, by Mr. Rae.

Mr. President,

The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the Bill, intituled “An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a Nautical Survey of the Harbours of Charlottetown and Three Rivers,” and have appointed Mr. Rae, Mr. Clark, Mr. Thomson, and the Hon. Mr. Pope a Committee to manage the said Conference.

Thereupon the Committee went to the Conference, and having returned, reported, that they had complied with the instructions given them by this House.

On motion, Ordered, that the second reading of the Bill, intituled “An Act to regulate the forfeiture of Lands, and the Settlement of the Inhabitants of this Island,” do stand as the Order of the Day for Monday next.

Adjourned until Eleven o'clock on Monday next.

## MONDAY, 22d April, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

*Mr. Brecken,*

*Mr. Goodman,*

*Mr. Worrell,*

*Mr. Macdonald,*

*Mr. Macintosh,*

The Hon. Mr. *Livett*,

*Mr. Dalrymple,*

*Mr. Green,*

*Mr. Macnutt,*

*Mr. Macgowan.*

PRAYERS.

**R**EAD the proceedings of Saturday.

Read a third time, and passed, the Bill, intituled “An Act relating to Treasury Warrants.”

*Ordered*, That the said Bill be sent down to the House of Assembly.

The Order of the Day, for the second reading of the Bill, intituled “An Act to regulate the Forfeiture of Lands and the Settlement of the Inhabitants of this Island,” having been read, Ordered, that the same be discharged, and that the said Bill be read a second time this day three months.

A Message from the House of Assembly, by the Hon. Mr. Pope, with the Bill, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives," agreed to, as amended by the Legislative Council.

Also, with the following written Message:

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof to the House.

On motion, Ordered, that the Bill, intituled "An Act to prevent the Issue, Re-Issue, or Circulation of Private Bank Notes in this Island," be read a second time this day three months.

The House was adjourned, during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a Nautical Survey of the Harbours of Charlottetown and Three Rivers." After some time, the House was resumed, and Mr. *Green* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

The House was adjourned, during pleasure, and put into a Committee on the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-nine." After some time, the House was resumed, and Mr. *Macintosh* reported, that the Committee had gone through the Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

On motion, Ordered, that the Report of the Committee be agreed to.

*Ordered*, That Mr. *Livett*, Mr. *Green* and Mr. *Macnutt* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow at Twelve o'clock.

Adjourned until Eleven o'clock to-morrow.



**TUESDAY, 23d April, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

*Mr. Brecken*,

*Mr. Goodman*,

*Mr. Worrell*,

*Mr. Macdonald*,

*Mr. Macintosh*,

The Hon. Mr. *Livett*,

*Mr. Dalrymple*,

*Mr. Green*,

*Mr. Macnutt*,

*Mr. Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Clark.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill, intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-nine," and have appointed Mr. Clark, Mr. Le Lacheur, Hon. Mr. Pope, Mr. Palmer, Mr. Arbuckle and Mr. Rae a Committee to manage the said Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

Adjourned until Eleven o'clock to-morrow.

**WEDNESDAY, 24th April, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Macintosh*,

The Hon. Mr. *Livett*,

Mr. *Dalrymple*,

Mr. *Green*,

Mr. *Macnutt*,

Mr. *Macgowan*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*Ordered*, That the Bill for the regulation of the Fishery Reserves in this Island, as amended by this House, and sent down to the Assembly, be published in the *Royal Gazette* and *Colonial Herald*, Newspapers; and that Two hundred copies of the same be forthwith printed for circulation by the Printer to this House.

A Message from the House of Assembly, by Mr. Clark.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

On motion, *Ordered*, that a further Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instant.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

On motion, that this House do adhere to the instructions given to the Committee of Conference, on the Bill, intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the Year of Our Lord One thousand eight hundred and thirty-nine."

It was moved, as an amendment, that a further Conference be desired with the House of Assembly on the subject matter of the said Bill.

The House divided:

CONTENTS.

*The President,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Goodman,*  
*Mr. Worrell,*  
*Mr. Macintosh,*  
*Mr. Livett,*  
*Mr. Dalrymple,*  
*Mr. Macnutt,*  
*Mr. Macgowan.*

NON-CONTENTS.

*Mr. Macdonald,*  
*Mr. Green.*

And it passed in the affirmative.

**Ordered,** That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instantler.

A Message from the House of Assembly, by Mr. Clark.

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

The House was adjourned for one hour.

And being met—

A Message from the House of Assembly, by Mr. Clark.

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

On motion, **Ordered,** that a further Conference be agreed to, as is desired by the House of Assembly.

**Ordered,** That the same Committee who managed the last Conference, be a Committee to manage this further Conference.

**Ordered,** That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

The House was adjourned, during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-nine." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, that the said Bill be read a third time, the House divided:

## CONTENTS.

*The President,*  
*Mr. Attorney General,*  
*Mr. Brecken,*  
*Mr. Goodman,*  
*Mr. Worrell,*  
*Mr. Livett,*  
*Mr. Dalrymple,*  
*Mr. Macnutt,*  
*Mr. Macgowan.*

## NON-CONTENTS.

*Mr. Macdonald,*  
*Mr. Green.*

And it passed in the affirmative.

*Ordered,* That the said Bill do pass.

*Ordered,* That a Message be sent down to the House of Assembly acquainting them therewith.

A Message from the House of Assembly, by Mr. Palmer.

In the House of Assembly,

Wednesday, April 24th, 1839.

*Resolved,* That an humble Address be presented to His Excellency the Lieutenant Governor, acquainting His Excellency that a portion of the Public Records, and also the Journals of the House of Lords and Commons, stated to have been sent from England, for the use of the Legislature, have not yet arrived; and that the Legislative Council be desired to join them.

*Resolved,* That a Committee be appointed to prepare the said Address; and also to form Rules for the Legislative Library, jointly with the Committee of the Legislative Council.

*Ordered,* That Mr. Palmer, Hon. Mr. Pope, Mr. Arbuckle, and Hon. J. S. Macdonald, do compose the said Committee.

*Ordered,* That the said Resolution be communicated by Message to the Legislative Council.

*Resolved,* That a Committee be appointed to join the Committee of the House of Assembly, to prepare an humble Address to His Excellency the Lieutenant Governor, upon the subject of that portion of the Public Records, and the Journals of the House of

Commons, which were omitted to be forwarded from England, for the use of the Legislature; and also to join the Committee of the House of Assembly, to frame Rules for the Legislative Library.

*Ordered*, That Mr. *Attorney General* and Mr. *Dalrymple* be a Committee for that purpose.

*Ordered*, That the said Resolution be communicated by Message to the House of Assembly.

Adjourned until Eleven o'clock to-morrow.

## THURSDAY, 25th April, 1839.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Haviland*, President;

The Hon. Mr. *Attorney General*,

The Hon. Mr. *Livett*,

Mr. *Brecken*,

Mr. *Dalrymple*.

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Macintosh*,

### PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Attorney General*, from the joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, relative to the Public Records, and the Journals of the House of Lords and Commons, presented to the House an Address, as prepared by the said Committee, which he read in his place, and is as follows, viz:

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral, and Ordinary of the same, &c. &c. &c.

The Joint Address of the Legislative Council and House of Assembly.

*May it please your Excellency;*

The Legislative Council and Assembly beg leave respectfully to request, that your Excellency will be pleased to convey their grateful thanks to Her Majesty's Government, for their liberality in having directed the several departments to transmit to this Island, for the use of the two Branches of the Legislature, copies of the Journals of the Houses of Lords and Commons, and of the Records published by the Record Commission—these valuable documents have arrived, with the exceptions mentioned in the list hereunto annexed.

The Council and Assembly further humbly request, that in conveying their thanks to Her Majesty's Government, your Excellency will be pleased to use your influence to obtain those portions which are yet required to complete them.

The Council and Assembly avail themselves of this opportunity of expressing their undiminished confidence in your Excellency's exertions, to meet the views and wishes of the Legislature, and to subserve the true interests of the people.

On motion, Ordered, that the said Address be agreed to.

On motion, the following Resolution was unanimously agreed to:

Whereas it appears from the Journals of the House of Assembly, that a Resolution has been passed by that body, gravely reflecting upon the discretion exercised by this House in refusing their assent to the Bill, intituled "An Act to regulate the Forfeiture of Lands, and the Settlement of the Inhabitants of this Island," Therefore, Resolved, that as, in the opinion of this House, the Bill in question contains principles subversive alike of all law, justice and equity, the Legislative Council require no further justification of the wholesome control which they have thought fit to exercise in rejecting the measure, than the transmission of the Bill so rejected, to Her Majesty's Government.

The House took into consideration the Incidental Expenses of the present Session, and allowed the same as follows:

|                                                                                                   |           |     |    |    |
|---------------------------------------------------------------------------------------------------|-----------|-----|----|----|
| The Rev. L. C. Jenkins, Chaplain to this House,                                                   | -         | £15 | 0  | 0  |
| John C. Wright, Esq. Usher of the Black Rod, and Serjeant at Arms, 41 days, at 10s. per diem,     | -         | 20  | 10 | 0  |
| Clerk of Council, being the amount of his account, including Stationary,                          | - - - - - | 72  | 8  | 9½ |
| John Rider, Messenger to this House, 41 days, at 7s. 6d. per day, including sundry disbursements, | - - -     | 26  | 15 | 0  |
| Moses Hayes, Doorkeeper, 43 days, at 6s. 6d. per diem,                                            |           | 13  | 19 | 6  |

On motion, Ordered, that the Printer to this House be directed to bind Seventy copies of the Journals of this House, of the last and present Sessions.

On motion, Ordered, that the Deputy Clerk of the Council be directed to prepare an Index to the Journals of this House of the last and present Sessions; and that he be allowed the sum of £7 10s. for his extra trouble in preparing the same, when completed, on certificate of the President.

*Resolved,* That the Committee of this House, authorized to frame Rules for the Legislative Library, jointly with the Committee of the House of Assembly, be authorized to frame such Rules during the recess; and also, to agree upon a fit person to be appointed a Librarian.

A Message from the House of Assembly, by Mr. Palmer.

In the House of Assembly,

Thursday, April 25th, 1839.

**Resolved**, That a Committee be appointed to join a Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor with the Joint Address to His Excellency, on the subject of the State Records, and the Journals of the Houses of Lords and Commons.

**Ordered**, That Mr. Palmer, Mr. Longworth, Mr. Montgomery, and the Hon. J. S. Macdonald, do compose the said Committee.

**Ordered**, That the foregoing Resolution be communicated by Message to the Legislative Council.

**Resolved**, That a Committee be appointed to join the Committee of the House of Assembly, to wait upon His Excellency the Lieutenant Governor, with the Joint Address relative to the State Records, and the Journals of the Houses of Lords and Commons.

**Ordered**, That Mr. *Attorney General* and Mr. *Dalrymple* do compose the said Committee.

**Ordered**, That the said Resolution be communicated by Message to the House of Assembly.

Mr. *Attorney General*, from the joint Committee of the Council and Assembly, appointed to wait upon His Excellency the Lieutenant Governor, with the joint Address of both Houses, on the subject of the Public Records, and Journals of the Houses of Lords and Commons, ordered to be transmitted to this Colony, by Her Majesty's Government, reported, that they had accordingly waited upon His Excellency with the said Address, and that His Excellency was pleased to say, that he would have much pleasure in complying with the wishes of both Houses on this subject; and for that part of the Address which related to himself personally, he begged to express his sincere thanks to both Houses.

His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the attendance of the House of Assembly immediately in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased, in Her Majesty's name, to give his assent to the following Bills, viz:

An Act for the relief of certain of the American Loyalists and disbanded Provincial Troops, and their Representatives.

An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein.

An Act to amend a certain Act therein mentioned, relating to Pounds.

An Act to revive and continue an Act for regulating the sale of the Interest of Leaseholders, when taken in Execution.

An Act to revive and continue an Act therein mentioned, relating to the shutting up of old Roads.

After which the Speaker of the House of Assembly addressed His Excellency as follows:

May it please your Excellency;

In the name and on behalf of Her Majesty's faithful Commons, I have the honor to present several Bills of aid granted this Session to Her Majesty, and to request your Excellency's assent to the same, viz:

An Act to further continue for one year, and to amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island.

An Act for rendering more effectual the Laws now in force for regulating the retail of strong and spirituous Liquors.

An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a nautical Survey of the Harbours of Charlottetown and Three Rivers.

An Act relating to Treasury Warrants.

An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-nine.

To each of which His Excellency was pleased, in Her Majesty's name, to signify his assent.

And then His Excellency was pleased to make the following Speech to both Houses:

*Mr. President, and Honourable Gentlemen of the Legislative Council;*

*Mr Speaker, and Gentlemen of the House of Assembly;*

The labors of the Session having terminated, I have much pleasure in enabling you to return to your homes, after so long and close an attendance upon your Legislative duties.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

The readiness and liberality with which you have voted the Supplies for enabling me to carry on the public service, for the current year, demand my warmest thanks.

*Mr. President, and Honourable Gentlemen of the Legislative Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

Among the important matters which have engaged your attention, I have to regret that you have not been able to agree upon some measure for the regulation of the Fishery Reserves, so as to have given effect to the liberal concession proposed by Her Majesty's Secretary of State for the Colonies, of opening those Reserves which remained at the disposal of the Crown to all Her Majesty's subjects engaged in the Fisheries; I however, hope, that during the approaching recess, the means will suggest themselves of bringing to a satisfactory conclusion, this important question.

After which the President of the Council said—

Gentlemen;

It is the will and pleasure of His Excellency the Lieutenant Governor, that this General Assembly be prorogued until Tuesday the Second day of July next; and this General Assembly is accordingly prorogued until Tuesday the Second day of July next.

**END OF THE SESSION.**





**APPENDIX**

**TO THE**

**JOURNAL**

**OF THE**

**LEGISLATIVE COUNCIL**

**OF**

**PRINCE EDWARD ISLAND,**

**FOR THE SESSION COMMENCING THE TWELFTH DAY OF MARCH, AND ENDING  
THE TWENTY-FIFTH DAY OF APRIL;**

**1839.**



# APPENDIX

## (A.)

(SEE PAGE 33.)

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### QUERIES.

IN pursuance of the Order in Council hereto annexed, marked (A), the Grant hereto annexed, marked (B), was issued on the Second day of September, 1768. With reference to the terms of that Order in Council, and of the said Grant, what in your opinion is the meaning of the term "Coast," contained in that part of the said Grant which reserves for the disposal of His Majesty, *His Heirs and Successors*, Five hundred feet from high water mark, on the coast of the tract of land thereby granted, to erect stages and other necessary buildings, for carrying on the Fishery? Is it strictly applicable to the sea coast, or sea shore only, or does it extend to the shores of the bays, inlets and rivers of this Island? If in your opinion it applies to the shores of the bays, inlets and rivers of the Island, what extent of the shores of the said bays, inlets and rivers, is embraced by the said reservation?

Does the Act of the 21 James 1st, cap. 2, intituled "An Act for the general quiet of the subjects, against all pretences of concealment whatsoever," extend to, and is it, in your opinion, now in force in this Colony?

Does the Act of the 9 Geo. 3d, cap. 16, intituled "An Act to amend and render more effectual an Act made in the Twenty-first year of the Reign of James the First, intituled *An Act for the general quiet of the subjects, against all pretences of concealment whatsoever*," extend to, and is it now in force in this Colony—premising that from its conquest, until the Fourteenth day of July, 1769, it formed part and parcel of the Province of Nova Scotia, and at that date was constituted a separate government?

Supposing that both or either of the aforementioned Acts to be now in force in this Colony, do both or either of the said Acts contain any enactment or enactments, which, in your opinion, now bar the right of the Crown to make the disposition contemplated on the reservation quoted in the first query, and contained in the said Grant hereto annexed, marked (B), supposing that right has never yet been exercised by the Crown? Is that right of disposition barred after the lapse of any, and what time, and under what peculiar circumstances? Or is the Grantee, claiming *under that grant, or others claiming under him*, where the right of disposition has not been exercised by the Crown, estopped from setting up adverse possession against the Crown or the Grantee?

If the Crown have exercised its right of disposal of the reservations aforesaid, in one or more other cases of Grants containing similar reservations with that herein-before set forth, will that be a sufficient exercise of the general right to include within it the disposal of the reservations in the said grant hereto annexed, marked (B), in which such right of disposition has not been exercised?

If the Statutes of James First, and 9 Geo. 3d, extend to the Colonies, is the right of the Crown to the disposal of the said Fishery Reserves, such a right as comes within the meaning of these Statutes; or is it merely a trust for the benefit of the subject? And what, in your opinion, is the difference in point of Law?

A

## APPENDIX (A).

### *Opinion of the Attorney General, in answer to the foregoing Queries.*

I have given the Queries submitted to me every consideration in my power, and premising, that as a Member of that Legislative body from which they have emanated, I shall be enabled, on the discussion of the question to which they have reference, to offer orally, and if necessary, at length, such reasons as have had weight with me in forming the opinions which I am about to give, I shall now proceed to answer them as concisely as possible.

To the first query—I am of opinion that the word “Coast,” in the reservation contained in the grant submitted with this query, can only intend the “sea coast.” The definition of the word “coast,” as given in the best English Dictionaries, is “the edge or margin of the land *next the sea*,” and Crabb, in his Technological Dictionary, states it to be “the country *lying along the edge of the sea*.” In common parlance the term is never applied in any other manner; thus we say, the coast of a Country or Island, but never the coast of a River or Harbour. I feel convinced that no other construction could be given to it in the present instance, was there no other mode of arriving at the intention of the Crown in making the reservation, except what could be collected from the face of the grant itself; but the order in Council, referred to in the query, on which it must be presumed the grant issued, in my opinion, settles the point satisfactorily. The instruction or order is, “that there be a clause in the grant of *each township that abuts upon the sea shore*, containing “a reservation of liberty to all His Majesty’s subjects in general of carrying on a free fishery on the coasts *of the said township*.” The obvious meaning of the term “coast,” used in the grant, is, in my opinion, synonymous with the term “sea shore,” used in the instruction or order; and in fact the terms are synonymous in the instruction or order itself, for “sea shore” and “sea coasts” are both used to express the same meaning. I am aware that there is this discrepancy between the terms of the instruction or order, and those of the reservation in the grant, viz. that in the former, the right is to all His Majesty’s subjects, for a free fishery; and in the latter, it is for the disposal of His Majesty, His Heirs and Successors, for the same use—but the intention is not lost sight, and the same principle is carried out in both. I do not wish to be understood as meaning to say that the instruction or order could control the words of the grant, had there existed any material difference between them; on the contrary, in such case I should hold to the evident sense of the words of reservation contained in the grant; but in this case there is no such difference. I am of opinion that the term “coast” cannot be construed to extend to the shores of inlets or rivers, nor to those of any place, termed, in common parlance, “a bay,” which is not open to the sea, or which is so land-locked, that the jurisdiction of the ordinary tribunals of the Colony extends to it; but that it does extend to indentations on the coast which are open to the sea, and which are also termed “bays.” I am sensible that it may be objected that some of the grants of townships on this Island, which abut on rivers or inlets, contain similar reservations to those which abut on the “sea coast;” and that it may be asked, why this reservation was inserted in such grants, if not intended to embrace the shores of rivers or inlets? To this I reply, by a quotation from a work of authority, on the construction of grants, viz: that “the rule that grants shall be construed most *favourably for the King*, is subject to many limitations and exceptions. In the first place, no strained or *extravagant construction is to be made in favour of the King*. If the intention be obvious, Royal grants *are to receive a fair and liberal construction*.” If, therefore, I am correct in my opinion of the meaning of the term “coast,” it appears to me to be “a strained construction” of that term, to apply it to townships butting upon rivers or inlets; and I think that I have shewn, from the true meaning of the term used in the grants, and the instruction or order under which it is to be presumed they were issued, that *the intention is obvious*.

In the second query—I am of opinion that the Act of the 21st James 1st, cap. 5, mentioned in this query, is not in force in this Colony; it is quite inapplicable, and has no relation to the possession of lands of the Crown obtained after its passing.

To the third query—I will here introduce some quotations from the opinions of eminent Lawyers, to shew what is the general rule of construction as to Statutes made in England, applying to the Colonies. Mr. West

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says, in answer to a question as to the extension of the *common*, as well as *statute law*—"the common law of England is the common law of the Plantations, and all statutes in affirmance of the common law passed in England, antecedent to a settlement of a Colony, are in force in that Colony, unless there is some private Act to the contrary, *though no statutes* made since those settlements are there in force, unless the Colonies are particularly mentioned." The Attorney and Solicitor Generals Henley and C. Yorke, on a case referred from Nova Scotia, say—"we are of opinion that the proposition adopted by the Judges there, that the inhabitants of the Colonies carry with them the *statute laws* of this realm, is *not true*, as a general proposition, but depends upon circumstances, the effect of their charter, usage and Acts of their Legislature, and it would be both inconvenient and dangerous to take it in so large an extent." And the Attorney General Philip Yorke, (afterwards better known as the celebrated Lord Hardwicke) in reply to a question relating to the extension of English statutes to Maryland, says—"I am of opinion that such general statutes as have been made, since the settlement of Maryland, and are not, *by express words, located, either to the Plantations in general, or to the Province in particular*, are not in force there, unless they have been introduced and declared to be laws, by some Acts of Assembly of the Province, or have been received there by long uninterrupted usage or practice, which may import a tacit consent of the Lord Proprietor, and the people of the Colony, that they should have the force of a law there." And a note at the foot of this opinion, states, that "by Statue 25 Geo. 2d, cap. 6, sec. 10, it appears that the Legislature considered *usage* as sufficient to have extended an Act of Parliament to the Colonies." From its conquest, or cession by treaty, up to the 14th day of July, 1769, this Colony formed part of the Province of Nova Scotia, and at that date was constituted a separate government, being the very year in which the Statute of the 9th Geo. 3d, cap. 16, passed. In 1769, therefore, Nova Scotia had a Legislature of its own, and according to the dictum laid down in the foregoing opinions, the Act in question could not be in force there at that time. 1st. Because it has no express words locating it, (to use the phraseology of Mr. Attorney General Yorke) either to the Plantations in general, or to that Province in particular, it being a general Act. 2d. Because it does not appear to have been introduced and declared to be law in that Province at that time, (nor even up to the present time, according to Mr. Murdoch's Epitome). 3d. Because being then of so recent an origin, long uninterrupted usage or practice could not of course apply. Assuming it then not to have been in force in Nova Scotia in 1769, it may be necessary to consider whether its separation from Nova Scotia in that year, induced such a different state of things "quoad" this Colony, as to make the Act in force here. I cannot see that it did. This Colony was then *settled*, (the grant referred to in the first query, dated nearly a year previous, is good evidence of this fact) and up to the time of separation must have been deemed a part of Nova Scotia, (which had a constitution) and subject to its laws; and from the separation in 1769, until the first General Assembly, called here in 1773, a period of only four years, the Governor and Council appear to have had the power of passing ordinances, &c. binding on its inhabitants, because the first Act to be found on the Statute Book of this Colony, passed in 1773, abrogates such ordinances, &c. And the Act of the 9th Geo. 3d, cap. 16, in my opinion, being a general statute, and made, not only since the *settlement* of the Colony, but when it was either part of the Province of Nova Scotia, or subject to its own peculiar constitution, vested in the Governor and Council, and not containing express words locating it either to the Colonies in general, or to Nova Scotia, or this Island in particular; and never having been introduced and declared to be law by any Acts of either of those Colonies; and never having been received here by "long uninterrupted usage or practice," or in fact by any usage or practice whatever. I am therefore of opinion that it is not now in force in this Colony.

To the fourth query—The Act of the 21st James 1st, cap. 5, is entirely out of the question; but *supposing* the Act of the 9th Geo. 3d, cap. 16, in force here, I am of opinion that it does contain enactments to bar the right of the Crown to make the disposition contemplated in the reservation quoted in the first query, where adverse possession has been held of such reservation against the Crown for sixty years, in terms of said Act, supposing the right never to have been exercised by the Crown on any part of the reservation. By the term "adverse possession," here used, I do not mean a mere presumption of possession, by reason of a Grantee holding lands adjoining to such reservation, but an actual culture or occupation of it, by himself, or by some person claiming under him, or an actual culture or occupation of it by a stranger.

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To the fifth query—*Supposing* the Act of the 9th Geo. 3d, cap. 16, in force in this Colony, and that an “adverse possession” of the reservation contained in the grant referred to, has been held against the Crown for sixty years, in accordance with the construction which I have given the term “adverse possession,” in my answer to the last query, and that the Crown has exercised its right of disposal to similar reservations contained in other grants, I am of opinion that the exercise of such right in those cases could not be deemed to militate against the adverse possession to the Crown, of the reservation contained in the grant referred to.

To the sixth and last query—In my opinion, by the words of reservation contained in the grant referred to, that is to say—“saving and reserving, for the disposal of His Majesty, his Heirs and Successors, five hundred feet from high water mark, &c.” the right to the soil of such reservation is in the Crown, and never passed to the grantee; but in grants where the reservation gives “a liberty to all His Majesty’s subjects in general, to carry on a free fishery on the coasts of said township, &c.” the right to the soil is in the grantee, subject to such partial interruption, for the purposes of carrying on a fishery. Therefore, in the first case, I think the Crown has yet the right to dispose of such reservation, for the purpose of carrying on a fishery; and in the latter case, that the right may be exercised by the subject without any reference to the Crown.

ROBERT HODGSON, Attorney General.

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### *Opinion of the Solicitor General.*

HAVING given the best consideration I am able to the annexed case, I proceed to answer the queries therein contained; and as some of them are new and highly important, and many members of the body by whom the case is submitted, quite competent of themselves to draw legal conclusions, I trust I will be excused for assigning, with more than usual fulness, some of the reasons which have induced me to form the opinions I give.

In answer to the first query, viz:—what is the meaning of the term “Coast,” in that part of the annexed grant relating to the reserve of five hundred feet for a fishery? I think, as to so much of that question as relates to Rivers, there is little difficulty in saying, that the reservation cannot be held to apply to them. The rule of Law for the construction of every instrument is this—“that it must be construed according to its sense and meaning, as collected from the terms used in it, which terms are themselves to be understood in their plain, ordinary and popular sense, unless the context evidently points out that they must, in the particular instance, and in order to effectuate the intention, be understood in some other special sense.” And the grants (where the words are doubtful) are to be construed favourably for the Crown; there is nothing to exempt them from this rule of construction. Now, the word “coast” is always used, and is laid down by the best English Lexicographers, to denote *the edge or margin of land next the sea shore*; and it cannot be contended that a river forms part of the sea; indeed, (if it were necessary) there are plenty of authorities to prove it does not; and unless it did, its shore could not, according to the above definition, be termed the “coast.” But if the term be doubtful, all difficulty ceases when we refer to the Order in Council, of the 8th of July, 1767; it directs, that in the reserve be inserted, the grants of all townships *that abut upon the sea shore*. Now, if those who drew this order had understood themselves as making a reservation on the banks of rivers, it is impossible to suppose they would have taken the trouble, with such particularity, to have confined the reservation to townships abutting on the sea shore, since many which did not might be intersected with rivers. Again, the reservation is five hundred feet from high water mark, “on the coast.” Why insert the latter words, unless to contradistinguish *high water mark on the coast*, from *high water mark on the rivers*?

The remainder of the question, viz: that part which relates to Bays, I feel to be one of real difficulty. The most confined construction which can, I think, legally be given to that part of the grant, will be to hold the

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reservation to extend to such shores only as form the margin of waters over which the Admiralty Court would have jurisdiction. To what waters then on the coasts of this Island does its jurisdiction extend? A book of good authority thus speaks on the subject: "It is laid down as a general rule in our common Law books, that the Admiral's jurisdiction is confined to matters arising on the *high seas* only; and that he cannot take cognisance of contracts, &c. made or done in any river or creek within any county, &c. But our books seem not to be agreed what shall be counted *altum mare* or the *high seas*. By some it is no part of the sea where one may see what is done on the other side of the water. That what is within the *body* of the county is no part of the sea. That the Admiralty Court cannot hold plea of any thing done upon the River Thames, because within the body of the county. Nor of a matter arising at Limehouse. But by Owen, such place as is covered with salt water is *altum mare*. By Coke, the Admiralty Court hath cognisance of a matter done in a ship riding in a *port*, that is not within the body of the county."

In Brown's Admiralty Law, it is said—"the Statute of 15 Rich. declares that the Court of the Admiral hath no manner of cognizance of any contract done within the body of the county, either by land or water." In a note he adds—"this I conceive means the water of rivers, for on the *sea coasts*, the water between high and low water, when the tide is in, is not within the body of the county."

In one case where the sentry on board a ship in Portsmouth harbour fired at a boat without cause, and killed a boy therein, it was held Portsmouth harbour was within the Admiralty jurisdiction.

These authorities, and others that I might cite, though somewhat conflicting, clearly shew that the waters of bays are within the Admiralty jurisdiction; and as to be so they must be considered parts of the sea, (its jurisdiction, as will be observed, being confined to *altum mare*, or the high sea), I think that to the shores of such waters the reservation extends.

I will next state in what sense I conceive it was intended to be used, according to the intention to be collected from the grant and order in Council: To what parts did the King intend the reservation to extend? The order in Council expressly states that the object of the reservation was to promote and encourage the fishery. How was it proposed to do this? By accommodating and conveniencing the fishermen, and by reserving a place where they might erect fishing establishments, &c. Where would the fisherman naturally require and want this privilege? Certainly not in exposed and unsheltered situations, where the landing must be precarious, and his craft insecure; but in those bays and indentures, where, sheltered from storms, the produce of his industry might at all times be securely landed, and his boats lie protected and safe. In such places only would the right be of any value. Can it be supposed then that the King, intending to grant a privilege for the purpose of promoting and encouraging the fishery, would confine it to places where scarce any fisherman would use it? Such a construction would defeat his clearly expressed intentions, which the law will not allow. Besides, the reservation does not seem to contemplate any particular description of fishery, but extends to all generally. Now, 'tis well known that some kinds of fisheries are carried on in bays. Could the King be supposed, when reserving a piece of ground to promote and encourage a fishery of this kind, to mean that the fisherman should go away from the fishing ground, to some exposed situation, before he could land his fish? This would be no encouragement to carrying it on. It may be said that part of this reasoning would be equally applicable to rivers: I answer not, because the intention must be collected from the terms used, which I have already shown do not apply to them.

I do not know if there are in this Island any of those places usually called salt water lakes; or, perhaps some might call them (I think improperly) bays, where the entrance is so narrow, that the water is almost surrounded by land; such a place might perhaps be said to be *within the body of the county*, and would likely be held (when the order in Council was considered) to be exempt from it.

I cannot help adding, that the conclusion I have come to on this point, is very different from the opinion I entertained before I had maturely considered the order in Council, and grant; and I sincerely hope the view I now take may prove erroneous, as I am well aware of the great mischief this reserve will occasion



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by subjecting the best cultivated parts of the most fertile farms to useless interruption; a grievance which will become intolerable, unless, *before the reserves are thrown open*, strong and ample guards be provided to prevent interruption, through pretended exercises of the right.

The next question is, whether the Statute of 21 Jac. 1, cap. 2, (I presume a clerical error, meant for cap. 5) is in force in this Colony?

The answer to this is easily given. The Statute of 21 Jac. 1, cap. 5, merely enacted, that a quiet and uninterrupted enjoyment for sixty years, *before the passing of that Act*, of any estate originally derived from the Crown, should bar the Crown's right of recovery. This Act secured the rights of such as could prove a possession of sixty years, *at the time of its passing*; but no possession acquired after that period is within it. It cannot therefore be in force in this Colony, for the simple reason, that it is impossible a case can occur to which its provisions would apply.

The next question, viz—Does the Statute of 9 Geo. 3, cap. 16, extend to this Colony? is by no means so easily answered. Before expressing an opinion upon it, I will therefore cite some authorities, illustrative of the general rules by which the application of English Statutes to Colonies is usually determined.

Where a country is conquered or ceded, and has already laws of its own, the King may change those laws, and impose those of England, or any other system he pleases; but until *he does actually change them*, the ancient laws remain in force. As the constitution of most American Colonies gave them the laws of England, so far as they were applicable to their circumstances, the English Statutes, passed antecedent to the dates of their respective constitutions, have been generally held to apply, but those subsequently passed do not. Thus the Statute of Frauds has been held not to extend to Barbadoes or Bermuda, but for the reason that they were settled before the passing of that Act. And for the like reason it has been held in the Courts of Pennsylvania not to extend there; and the rule above stated is fully confirmed by Lord Mansfield, in the case of *Campbell vs. Hall*.

The Province of Nova Scotia had a Legislature of its own long prior to 1769, when the Statute of 9 Geo. 3, cap. 16, was passed, and I think there is no doubt it does not apply there. And as this Island at that time formed part of the Province, (by which I presume is meant, it had received its constitution and participated in its laws) it did not apply here at that period. The question then is, did the constitution which the Island received on the 14th of July, 1769, have the effect of giving operation to an English Statute, which would have no effect if it still continued part of Nova Scotia? The question is a novel one, and therefore not perhaps altogether free from difficulty.

The American Judge Tucker, speaking of the old Colonies conquered from the Dutch and Swedes, and which form part of the present United States, says—"The tract claimed by these two nations was conquered by the English, and confirmed to the Crown of England by the treaty of Breda, in 1767. The Dutch inhabitants remained in their settlements in New York; the Swedes were removed from Delaware to New York, where they likewise remained. According to Judge Blackstone, the laws of England could have no authority there, this being a conquered and ceded country, and not a Colony originally planted by Englishmen. And according to his principles also, the laws of Holland and Sweden were the municipal laws of those Provinces until the period of their conquest, and so continued until other laws were imposed upon them by the Crown of England. When and in what degree a change was made in this manner, or whether any such change was ever formally made, can only be determined by recurrence to documents not within the reach of the author of these sheets."

And a case bearing some similarity to the present, seems to have arisen in the Colony of New Plymouth. In consequence of the intolerant spirit of the Colonists, its charter was abrogated in 1684, and a new Charter was obtained for it in 1691, upwards of sixty years from the date of the former, and seventy years from the first settlement of the Colony. In the mean time, the laws of England had undergone many material alterations. On the publication of the new Charter, it was questioned what was the law in civil and criminal matters, and what English Statutes had operation. The difficulty appears to have been got rid of, by

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passing an Act declaring the laws of Massachusetts to be in force.

The New England Colonies which sprung out of Massachusetts, seem to have taken the English Statutes in force at the time of receiving their respective constitutions, and not those of the Colony from whence they immediately emigrated.

These authorities might at first leave room to suppose, that the English Statutes, up to the date of a Colony's constitution, apply, no matter how it may be formed, whether by separation from an old, or by peopling a new one. But it appears to me as a general rule, (unless there be some special provision in the first Governor's commission or instructions, &c.) that where a Colony is divided into two, the mere effect of that division cannot be to deprive the part separated of laws by which it was previously governed, or to introduce Statutes which before had no-operation. The Province of New Brunswick formed at one time part of Nova Scotia; after its separation the laws of the latter were, I presume, thought to be in force, as I find a statute was passed to annul them.

Predicating my opinion therefore on the presumption, that by its annexation to Nova Scotia, this Island must be considered to have received a constitution at that period, and that there is nothing in Governor Patterson's commission to take this case out of the general rule above stated, I think that though the statute of 9 Geo. 3, cap. 16, was passed prior to the 14th of July, 1769, it is not in force in this Island.

I am bound however to add, that my opinion may be much altered, by the perusal of documents which I have never seen, and on which the imperfect records of this Island afford very little information, viz: Governor Patterson's commission and instructions, the royal proclamation, letters patent, or whatever instrument it was, which annexed this Island, after its conquest, to Nova Scotia. The case submitted is, I apprehend, somewhat inaccurate in this respect, as it states it to have formed part of Nova Scotia, from its conquest; but the conquest or ceding of it by the treaty of Paris in 1763, did not constitute it part of that Province; and I rather think it will be found not to have been annexed for some years subsequent to that date, and until it was, the French laws would remain in force. The document which annexed it will inform us *when* and in what degree those laws were altered; and Governor Patterson's commission will also afford much information, by shewing whether at its date this Island was looked on as a conquered country, or in the same light as other Colonies, in consequence of its annexation to Nova Scotia; a point on which I confess some passages in the instructions to Governor Patterson, now in the Colonial Secretary's Office, (but so defaced that the whole cannot be read) cause me to entertain some doubt. If, however, Mr. Clarke, in his book on Colonial Law, be correct, the documents to which I allude will not affect the question, as he says that—"the laws of this Island must be the laws of England in force at the time of its acquisition (so far as they are applicable to the Colony); the laws of Nova Scotia, so far as they have not been altered since the Island became subject to a distinct Government; and the Acts passed in its own Assembly since that period." But as Mr. Clarke probably wrote only from general principles, and may not have examined the documents to see if there be any specialty in the case, the point is still worthy of attention.

I am aware that Mr. Murdoch, in his *Epitome of the Laws of Nova Scotia*, thinks the Statute will apply to that Province by presumption—that is, that after a possession of sixty years, a title would be presumed against the Crown. How far his dictum is correct, it is not necessary to inquire; as I am of opinion, that even taking the law as he states it, it will not affect the present question, there being, as I will presently shew, (in answer to the next query) a wide difference between the legal effect of the application of the Statute itself, and a presumption of law, drawn from analogy to the Statute.

As to the fourth query—Supposing the 9 Geo. 3, cap. 16, to be in force in this Colony, I think a case might arise on the reserve contained in this grant, within the enactments of the Statute. But before putting a case, I will state what I conceive to be the legal effect of the reservation in this grant, as regards the right of soil in the five hundred feet reserved. A grantee may reserve a right or privilege over the whole, or some portion of the land granted, or may except a piece of the land described out of the grant. In the former case, the legal estate in all the land passes to the grantee; in the latter, he takes no interest in the piece excepted. The reserve in the present grant I conceive to be of the latter description; and my opinion is, that the legal estate, (or in plainer words) the right of soil in the five hundred feet from high water mark on

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the coast, did not pass to John Pownall, the grantee, but that the same remained in the Crown; nor as between the Crown and the public, was there any legal obligation to prevent the disposal of it in any way the Crown might think fit; though perhaps the grantee might have an equity to prevent the Crown's disposing of it in a way more injurious to him than the purpose for which it was reserved.

If I am correct in this, the five hundred feet excepted would (for the purpose of this Statute) stand in the same plight as other Crown lands, and the grantee would have no right to enter into possession of it.

Then suppose the grantee could prove sixty years possession of a piece excepted, (by which I mean leasing, cutting down, cultivating, clearing, and such other acts of dominion as usually denote ownership of property), that he had never (*since taking the grant*) acknowledged the right of the Crown, and that quit rent for the whole had been exacted. I think this would be a strong case within the statute. Its being excepted out of the grant would not avoid the effect of such a possession, because that would only shew that the grantee entered wrongfully; and a holding after a wrongful entry, is just the way to raise a case for the operation of the statute. If the legal title in the five hundred feet, after passing the grant, remained in the Crown, there would be the same right of action against the grantee for intrusion on the reserve, as on any other piece of Crown land in the Island; and where the 9 Geo. 3, cap. 16, applies, every right of this kind (except reserving liberties and franchises, which this is not) must be asserted within sixty years, or else it is barred by the positive enactment of the Statute. If a mere declaration by the Crown, that a certain tract of land is held for a particular purpose, were allowed to avoid the Statute, it seems to me its object (which was to prevent the waking up of rights long slumbered over and forgotten) might be wholly defeated. The only way in which the Crown could avoid the effect of such a possession, would be by shewing that it was permissive; but unless some application to the Crown respecting the reserve, or some acknowledgment of the right, could be shewn, it does not occur to me how this could be made to appear.

But suppose the Statute applies, as suggested by Mr. Murdoch, and that after sixty years possession a grant is to be presumed, "presumptions may be rebutted by facts, or by contrary and stronger presumptions;" and it is then a question for the jury. This will be better explained by quoting the words of an eminent judge—"Grants are to be presumed where the original possession or enjoyment cannot be otherwise legally accounted for, or satisfactorily explained. But where the original possession is satisfactorily accounted for and explained, without the aid of a grant or conveyance, it is then a question to be determined by the jury whether in fact any grant or conveyance was ever made." The different effect of the two modes of the application of the Statute will from this be clearly apparent. The Statute operates by positive enactment, and bars the Crown, how clearly soever the party in possession may appear to have been an intruder, the legal presumption drawn from analogy to it, only *presumes* a grant, which circumstances may rebut; and I think the fact of the piece being excepted out of the grant, and the right having been exercised on other townships, would be a presumption strong enough for that purpose; though this last would have no effect if the statute were in force; for if the owner of Lot Five proved sixty years possession, it would be no answer, on the part of the Crown, to say a similar exception was made on Lot 10, and sufficient vigilance has been used there to prevent its owner getting a sixty years adverse possession; each case would have to stand upon its own merits.

As to the question whether the grantee, and those claiming under him, would not be estopped from setting up adverse possession against the Crown—I do not see what the doctrine of estoppel can have to do with the case. Estoppel merely prevents a man from denying a fact he has before admitted; it does not prevent his asserting a right afterwards acquired, or availing himself of a flaw in his adversary's title, which has occurred subsequent to the admission—for example, a tenant is estopped from disputing his landlord's title; but admitting he had a good one, at the time he took his lease, he may shew that his landlord's title has since expired. In setting up a sixty years adverse possession in this case, the grantee would not dispute that the five hundred feet was excepted, or that, at the date of the grant, the crown had a right to it. He would merely say, that by circumstances which had subsequently occurred, the Crown had lost its right; which would be no denial of any thing previously admitted.

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The answer to the question, if the Crown have exercised the right of disposal of the reserves in other townships, whether that would be sufficient evidence for an exercise of its right over that contained in this grant, is involved in the answer already given to the query which immediately precedes it.

The last query appears to me to be the same in substance as the fourth, which I have endeavoured fully to answer. If there be any material difference between the two, I do not understand the question, and cannot therefore answer it until it is more fully explained.

In conclusion, I must observe, that what I have said relates to the reservation in this grant, with respect to which only the queries are put. I cannot, however, but be aware that there are other grants where the reservation is very differently worded, viz: a reservation of a *liberty* to all His Majesty's subjects, &c. In such grants there is no doubt that the right of soil in the reserve passed to the grantee; and the observations I have made respecting the Statute of 9 Geo. 3, cap. 16, will not apply to them, because it is a mere liberty or franchise not within the Statute, and because the grantee's possession would not be inconsistent with the right claimed; nor had the Crown ever any right of action against him.

JAMES H. PETERS,  
Solicitor General.

Charlottetown, 2d April, 1839.

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Charlottetown, 3d April, 1839.

SIR,

I beg to acknowledge receipt of your Letter dated the 26th ultimo, as Chairman of a Committee of the Honorable the Legislative Council, accompanying certain documents and Queries which the Committee have been pleased to direct to me, and requesting my answers thereto, which I now respectfully submit.

I have the honor to be, Sir,

Your very obedient humble servant,

CHARLES BINNS, SEN.

The Honorable John Brecken, &c. &c. &c.

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I have perused the Copy Order in Council and Copy Grant submitted to me, and find the Grant does not appear to have or contain a reserve for the Fishery as in this Order in Council, neither as it respects the date or substance of the Order. That recited in the Grant, and under which it appears to have been issued, is dated 26th August, 1767, whereas the Copy Order sent to me bears date the 8th July previous, and the Reservation in the Grant as respects the Fishery is essentially different from the Order; but after all, perhaps the Order recited in the Grant means only the Mandamus to issue it—be that as it may, there are many instances of the Great Seal of Colonies having been used contrary to Royal Instructions, where the Government afterwards refused to interfere or disturb the Grantees; (1) and therefore, although I suppose all the Grants may have been originally intended to be made subject to the Fishery Reserve, as stated in the Copy Order in Council now before me, and many of them have not been so made, I am of opinion the Grants must all at this day be considered as valid as if this supposed mistake or alteration had never occurred; and so they appear to be treated by the late Despatch from the Colonial Office. But the legal effect of the two Reservations varies much in my opinion; the Reserve, as stated in the Grant before me ("for the disposal of the Crown, &c.") having, as I think, no legal operation whatever to divest the Grantee of the benefit conferred by the other parts of the Grant; it is a mere declaration of an intention on the part of the Crown, and must, in my opinion, be at least subject to the rules of Election, or as much as the Reserves, for laying out of Highways, Glebe and School Lands, &c. are; for if the Crown delays to do these until the Grantee or his

(1) Chalmer's Opinions.

## APPENDIX (A.)

Assigns has sold or let the Land (particularly if in small tracts to actual settlers), surely it would be monstrous to hold, that the occupants could be legally disturbed, and under such a merely intended Reserve as this alluded to, which might never be acted on; besides, the Grant reserves the Quit Rent on the entire 20,000 Acres, and I believe payment has always been exacted to that extent; and it is a maxim that the King's Grant shall be construed for his honour, and generally in favour of the Grantee (2). Now, it would not by any means accord with this maxim, to exact and receive Quit Rent and Taxes for a large quantity of Land (and most valuable front lands too) from a Grantee, who at the same time is by some said to have no interest in it. I am aware it may be replied that the freehold and right of soil is in the Grantee, and he has a right to the wood and marshes on and in front of the supposed Reserves, under both forms of Fishing Reserves, and that this is an equivalent to the Grantee for the payment of Quit Rent; and I agree that the Grantee has those rights over the Reserves, (3) and that in no case have the public any other right than the use of them for curing fish.—Besides, it may be asked, how it is that the Grants to Loyalists, and those given of Lands on Townships 15 and 55 since their Escheat, contain no Fishery Reserves? And what is the operation of the Acts which have laid and enforced Assessments on Land; and also of certain parts of the Boundary Act, whereby it appears the Grantees may have lines run across the Island from natural marks on the very shores, and run across Rivers and Creeks, and whether salt or fresh water in them, and tide or no tide; and if land has been sold or let on either side of those lines, the Act deals with it, without any saving of rights of Fishery whatever? Now it is evident with respect to Townships 15 and 55, that supposing the Grantees to have forfeited their rights, still the right of the public in the Fishery Reserves on the coasts of those Townships, whatever it was, would remain, not being made dependent on any neglect of the Grantees, if the Reserve was in the words of the Order in Council now before me, as I suppose it was; and yet, the fronts of those Townships, I believe, are now nearly all granted away as I have mentioned. These facts may in part shew what has been the opinion at the Colonial Office as to Fishery Reserves here, until the exchange of recent despatches on that subject.

I have now stated my opinion as to the Fishery Reservation in the Grant before me, and I will proceed to give it as if the Grant contained a Reservation as in the Order in Council now before me. In such a Grant I think the Grantee must be supposed to be in actual legal possession of the whole premises mentioned in the Grant, including the soil of the Fishery Reserves, from the delivery of the Grant to him, or to any one on his behalf; but I do not think that either of the Statutes of James or George 3d., to which I am referred, extend to this Colony; and if they did, I am of opinion that they would not apply to the Fishery Reserves, as I think those Reserves would come within the meaning of "liberties and franchises" excepted in those Acts. I also am of opinion that the word "Coast" used both in the Order and Grant, must, by the rules of fair construction, be held as synonymous to the word "Seashore," used also with the word "Coast" in the Order in Council; and to say that the Coast extends into Harbours, and up Rivers and Creeks, would, in my opinion, lead to the grossest injustice and absurdity, and be also directly contrary to established Rules laid down for the construction of Royal Grants (4). I therefore think that where the Reserves have not been washed away since the Grantees received their Titles, the public have, under such a reservation as is contained in the Order before me, a right to land their fish on the coast or shore, or elsewhere, at the nearest place where they safely can to the Coast or Seashore, with a right of way from such nearest landing to that Coast or Shore, and there to cure and reship their fish, dry nets, &c., and no further right whatever.

As I am of opinion that the Acts mentioned do not extend to this Island, nothing arises on the question of Estoppels for me to reply; but I scarcely think that doctrine would hold for want of mutuality to bind the Grantees; and I do not think that the Fishery Reserve, as contained in the Grant now before me, raises even the slightest trust in favour of the public, for they are not so much as once named in it, and it is not stated whether the King or his subjects shall carry on the intended Fishery; and therefore, if the Grantee, to whom the fee is expressly given, subject to this easement, makes the first election to "dispose, &c." in such a case, I think the reservation and right of disposal is gone both from the Crown and the public, and the Acts I have referred to, and Instructions from the Colonial Office to make certain Grants I have also alluded to, confirm me in this opinion.

CHARLES BINNS, SEN.

(2) Chitty on Prerogative, 394, &c.

(3) Cun. Dictionary, title "Highway."

(4) Chitty on Prerogative, 391, &c.—and 399.

# APPENDIX

## [B.]

(SEE PAGE 38.)

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VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c.

*To our trusty and well beloved Sir JOHN COLBORNE, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant General of our Forces, Greeting:*

WHEREAS we did by certain Letters Patent under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Sixth day of February, One thousand eight hundred and thirty-eight, in the First year of our Reign, constitute and appoint our right trusty and right well-beloved Cousin and Councillor John George EARL OF DURHAM, to be Captain General and Governor in Chief in and over our Island of Prince Edward, during our Royal pleasure, as by the said recited Letters Patent relating, being thereunto had, may more fully and at large appear: Now know you, that we have revoked and determined, and by these presents do revoke and determine, the said recited Letters Patent, and every clause, article and thing therein contained. And further know you, that we, reposing especial trust and confidence in the prudence, courage and loyalty of you the said Sir JOHN COLBORNE, of our special grace, certain knowledge and mere motion, have thought fit to constitute and appoint, and do by these presents constitute and appoint you, the said Sir JOHN COLBORNE, to be our Captain General and Governor in Chief in and over our said Island of Prince Edward. And whereas we have deemed it expedient that there should henceforth be two distinct Councils in our said Island of Prince Edward, for the purposes hereinafter mentioned, We do therefore, by these presents, grant, provide and declare that there shall henceforth be within our said Island of Prince Edward two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of our said Island of Prince Edward. And we do hereby further direct and declare our pleasure to be, that all and every the powers and authorities heretofore vested in or exercised by the Council of our said Island, so far as respects the enactment of any Laws to be made within our said Island, shall henceforth be, and the same are hereby vested, in the said Legislative Council; and that all other powers and authorities whatsoever heretofore vested in or exercised by the Council of our said Island, shall be and the same are hereby vested in the said Executive Council. And we do hereby appoint and declare that the said Executive Council and the said Legislative Council respectively shall hereafter consist of such and so many Members as shall from time to time for that purpose be nominated and appointed by us, under our sign manual and signet, or as shall be provisionally appointed by you the said Sir John Colborne, until our pleasure therein shall be known: Provided nevertheless, and we do hereby declare our will and pleasure to be, that the total number of the Members for the time being of our said Executive Council, resident within our said Island, shall not at any time, by any such provisional appointments, be raised to a greater number in the whole than Nine; and that the total number of the members of the said Legislative Council, resident within our said Island, shall not at any time, by any such provisional appointments, be raised to a greater number in the whole than Twelve. And we do further direct and appoint that Five Members of our said Executive Council shall be a Quorum, for the despatch of the business thereof; and that Seven Members of our Legislative Council shall be a Quorum, for the despatch of the business thereof. And we do further direct and appoint, that the Members of the said respective Councils shall hold their places therein during our pleasure, and not otherwise; and that the senior Members respectively for

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the time being of each of the said respective Councils shall preside at all the deliberations thereof respectively, save only when you the said Sir John Colborne shall be present and presiding at the deliberations of the said Executive Council—the seniority of the Members of the said Councils respectively between themselves being determined by such rules and regulations as are for that purpose provided by such Instructions as are hereinafter mentioned. And we do hereby require and command you to do and execute all things in due manner that shall belong unto your said command, and the trust we have reposed in you, according to the several powers and authorities granted or appointed you by this present Commission, and the Instructions herewith given to you, or by such further powers, instructions and authorities as shall at any time hereafter be granted to or appointed you under our Sign Manual and Signet, or by our Order in our Privy Council, or by us through one of our Principal Secretaries of State, and according to such reasonable Laws and Statutes as are now in force, or shall hereafter be made and agreed upon by you, with the advice and consent of our Council and Assembly of our said Island, under your government, in such manner and form as hereinafter is expressed. And our will and pleasure is, that you the said Sir John Colborne, as soon as may be after the publication of these our Letters Patent, do take the Oaths appointed to be taken by an Act passed in the First year of the Reign of King George the First, intituled “An Act for the further security of His Majesty’s person and government, and the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors,” as altered and explained by an Act passed in the Sixth year of the Reign of His late Majesty King George the Third, intituled “An Act for altering the Oath of Abjuration, and the Assurance; and for amending so much of an Act of the Seventh year of Her late Majesty Queen Anne, intituled “An Act for the improvement of the Union of the two Kingdoms;” as after the time therein limited requires the delivery of certain lists and copies therein mentioned, to persons indicted of high treason or misprison of treason; or in lieu thereof, the Oath required to be taken by an Act passed in the Tenth year of the Reign of His late Majesty King George the Fourth, intituled “An Act for the relief of His Majesty’s Roman Catholic subjects;” according as the said former Acts in the said last mentioned Act shall be applicable to your case; and likewise that you take the usual Oath for the due execution and performance of the office and trust of our Captain General and Governor in Chief of our said Island, and for the due and impartial administration of justice—all which said Oaths our Executive Council of our said Island, or any three or more of the Members thereof, have hereby full power and authority, and are required, to tender and administer unto you; all which being duly performed, you shall administer unto each of the Members of the said Executive Council and of the said Legislative Council respectively, such of the said Oaths mentioned in the said several Acts, as shall be applicable to the case of the individual Member of said Council taking the same; and you are also to administer to them the usual Oath for the due execution of their places and trusts. And we do further give and grant unto you the said Sir John Colborne, full power and authority from time to time, and at any time hereafter, by yourself, or by any other to be authorized by you in that behalf, to administer and give such of the said Oaths in the said several Acts contained as shall be applicable to the case of the individual to whom the same shall be administered, to all and every such person or persons as you shall think fit, who shall hold any office or place of trust or profit, or who shall at any time or times pass into the said Island, or be resident or abiding therein. And we do hereby give and grant unto you the said Sir John Colborne, full power and authority to suspend any of the Members of our said Executive and Legislative Councils respectively from sitting, voting and assisting therein, if you shall find just cause for so doing: And if it shall at any time happen that by the death, departure out of our said Island, suspension or resignation of any of the said Councillors, or otherwise, there shall be a vacancy in either of our said Councils, our will and pleasure is, that you signify the same to us by the first opportunity, that we may, under our signet and sign manual, constitute and appoint others in their stead: But that our affairs at that distance may not suffer for want of a due number of Councillors, We do hereby give and grant unto you the said Sir John Colborne full power and authority to choose as many persons out of the principal Freeholders, inhabitants of our said Island Prince Edward, as shall be necessary to supply any vacancy or vacancies which may from time to time occur in the said Councils, or either of them—which

## APPENDIX (B.)

persons so chosen and appointed by you shall be, to all intents and purposes, Councillors in our said Island, until their appointments shall either be confirmed or disallowed by us. And we do hereby give and grant unto you the said Sir John Colborne full power and authority, with the advice and consent of our said Executive Council, from time to time, as need shall require, to summons and call a General Assembly of the Freeholders and Settlers within the said Island under your Government, in such manner and form as has been already appointed and used, or according to such further powers, instructions and authorities as shall at any time hereafter be granted or appointed you under our signet and sign Manual, or by our order in our Privy Council: And our will and pleasure is that the persons thereupon duly elected by the major part of the Freeholders of the respective Counties and places, and so returned, shall, before their sitting, take such of the Oaths mentioned in the said several Acts as shall be applicable to the case of the individual taking the same; which Oaths you shall commission fit persons, under the public seal of our said Island, to tender and administer unto them; and until the same shall be so taken, no person shall be capable of sitting, though elected. And we do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of our said Island of Prince Edward; and that you, the said Sir John Colborne, with the advice and consent of our Legislative Council and Assembly, or the major part of them, shall have full power and authority to make, constitute and ordain Laws, Statutes and Ordinances, for the public peace, welfare and good government of our said Island, and the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of Us, our Heirs and Successors; which said Laws, Statutes and Ordinances are not to be repugnant, but as near as local circumstances will admit, agreeable to the Laws and Statutes of our United Kingdom of Great Britain and Ireland; provided that all such Laws, Statutes and Ordinances, of what nature or duration soever, be, within three months, or sooner, after the making thereof, transmitted to Us, under the public seal of our said Island, for our approbation or disallowance of the same, as also duplicates of the same, by the next conveyance; and in case any or all of the said Laws, Statutes and Ordinances, not before confirmed by us, shall at any time be disallowed and not approved, and so signified by us, our heirs or successors, under our or their sign manual and signet, or by order of our or their Privy Council, unto you the said Sir John Colborne, then such and so many of the said Laws, Statutes and Ordinances as shall be so disallowed and not approved, shall from thenceforth cease, determine and become utterly void, and of none effect—any thing to the contrary thereof in any wise notwithstanding. And to the end that nothing may be passed or done by our said Legislative Council or Assembly, to the prejudice of Us, our heirs and successors, We will and ordain that you, the said Sir John Colborne, shall have and enjoy a negative voice in the making and passing all Laws, Statutes and Ordinances as aforesaid; and you shall and may likewise, from time to time, as you shall judge it necessary, adjourn, prorogue or dissolve all General Assemblies as aforesaid. And our further will and pleasure is, that you shall and may keep and use the public Seal of our said Island of Prince Edward, for sealing all things whatsoever that pass the Seal of our said Island under your government. And we do hereby authorize and empower you to constitute and appoint Judges, and in case requisite, Commissions of Oyer and Terminer, Justices of the Peace, and other necessary officers, ministers in our said Island, for the better administration of justice, and putting the law in execution; and to administer, or cause to be administered, unto them, such oath or oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial causes. And we do hereby give and grant unto you, the said Sir John Colborne, full power and authority, in case any person or persons commissioned or appointed by us to any office or offices within our said Island, for which they may be liable to be removed by us, shall, in your opinion, be unfit to continue in our service, to suspend or remove such person or persons from their several employments. And we do hereby give and grant unto you the said Sir John Colborne, full power and authority, when you shall see cause, or shall judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto us, fit objects of our mercy, to pardon all such offenders, and to remit all such offences, fines and forfeitures. And we do by these presents give and grant unto you the said Sir John Colborne, full power and authority, without expecting any further special warrant from us, from time to time, to give, order and warrant for the preparing of Grants of the Custodies of Idiots



## APPENDIX (B.)

and Lunatics, and their estates, as shall be found upon inquisition thereof taken, or to be taken, and returnable unto our Court of Chancery, and thereupon to make and pass Grants and Commitments, under the public Seal of our said Island, of the custodies of all Idiots and Lunatics, and their estates, to such person or persons suitors in that behalf, as according to the rules of Law and the use and practice in those and the like cases you shall judge meet for that trust. And we do by these presents authorise and empower you the said Sir John Colborne, to collate any person or persons to any Churches, Chapels, or other Ecclesiastical benefices within our said Island Prince Edward, as often as any of them shall be void. And our will and pleasure is, that all public moneys raised, or which shall be raised, by any Act made, or hereafter to be made as aforesaid, in our said Island, be issued out by Warrant from you, by and with the advice and consent of our said Executive Council, and disposed of by you for the support of the government of our said Island, or for such other purposes as shall be particularly directed in and by such Act, and not otherwise. And we do hereby likewise give and grant unto you full power and authority, by and with the advice and consent of our said Executive Council, in our name and on our behalf, to grant and dispose of, under the public Seal of our said Island, such lands, tenements and hereditaments within the said Island, as now are, or hereafter shall be in our power to grant or dispose of: Provided nevertheless, and we do require, that in granting and disposing of all such lands, tenements and hereditaments, you do conform to and observe the provisions in that behalf contained in any Act or Acts made, or to be made, by the Governor, Legislative Council and Assembly of our said Island, for regulating the sale and settlement thereof. And we do hereby declare our pleasure to be, that all such Grants shall be entered upon record by such officer or officers as shall be appointed thereunto, and shall be good and effectual in Law against Us, our heirs and successors. And we do hereby declare, ordain and appoint, that you the said Sir John Colborne shall and may hold, execute and enjoy the said office and place of our Captain General and Governor in Chief in and over our Island of Prince Edward, together with all and singular the powers and authorities hereby granted unto you for and during our will and pleasure. And in case of your death or absence out of our said Island, we do by these presents give and grant all and singular the powers and authorities herein to you granted, to our Lieutenant Governor for the time being of our said Island; or in the absence of any such Lieutenant Governor, to such person as we may, by warrant under our sign manual and signet, authorize and appoint to be the Administrator of the Government of our said Island—such powers and authorities to be by him executed and enjoyed during our pleasure. But if upon your death or absence out of our said Island, there be no person upon the place commissioned and appointed by us to be our Lieutenant Governor, or specially appointed by us to administer the Government within our said Island, our will and pleasure is, that until you return from any such absence, or until our further pleasure shall be known, the senior Military Officer for the time being in command of our land forces within our said Island of Prince Edward, shall take upon him the Administration of the Government thereof, and shall execute this our Commission and the aforesaid Instructions, and the several powers and authorities therein contained, in the same manner, and to all intents and purposes, as other our Captain General and Governor in Chief should or ought to do. And we do hereby require and command all our Officers and Ministers, Civil and Military, and all other the Inhabitants of our said Island, to be obedient, aiding and assisting unto you the said Sir John Colborne, in the execution of this our Commission, and of the powers and authorities herein contained.

In Witness whereof, we have caused these our Letters to be made Patent. Witness ourself at Westminster the Thirteenth day of December, in the Second year of our Reign.

By the Queen herself,

(Signed)

EDMUNDS.

A true Copy,

J. P. COLLINS, Colonial Secretary.

## APPENDIX (B.)

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### VICTORIA R.

**INSTRUCTIONS** to our trusty and well-beloved Sir JOHN COLBORNE, Knight Grand Cross of the Most Honorable Military Order of the Bath, our Captain General and Governor in Chief in and over our Island of Prince Edward; or in his absence, to our Lieutenant Governor, or other Officer administering the Government of our said Island for the time being. Given at our Court at Windsor, this Thirteenth day of December, One thousand eight hundred and thirty-eight, in the Second year of our Reign.

*First.*—With these our Instructions you will receive our Commission under the Great Seal of our United Kingdom of Great Britain and Ireland, constituting you our Captain General and Governor in Chief in and over our Island of Prince Edward. You are, therefore, with all convenient speed, to assume and enter upon the execution of the trust we have reposed in you.

*Second.*—And whereas we, by our said Commission appointing you our Captain General and Governor in Chief as aforesaid, declared our pleasure to be, that there shall be within our said Island of Prince Edward, two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of our said Island, with certain powers and authorities therein mentioned; and have further declared our pleasure to be, that the said Executive Council and Legislative Council respectively should consist of such and so many Members as shall for that purpose be nominated and appointed by us, under our Royal Sign Manual and Signet, or as shall be provisionally appointed by you the said Sir John Colborne, until our pleasure therein shall be known. Provided always, that the total number of the Members for the time being of such Executive Council, resident within our said Island, shall not at any time, by any such provisional appointment by you, be raised to a greater number in the whole than Nine; and that the total number of the Members of the said Legislative Council, resident within our said Island, shall not at any time, by any such provisional appointment by you, be raised to a greater number in the whole than Twelve.

Now know you, that we, reposing especial trust and confidence in the wisdom, prudence and ability of our trusty and well beloved George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, and James Peake, Esquires, do hereby nominate and appoint them the said George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, and James Peake, to be, during our pleasure, Executive Councillors in our said Island of Prince Edward; and we do hereby authorize and require you, the said Sir John Colborne, to summon them to our said Executive Council accordingly.

*Third.*—And we do further direct and appoint, that the Members of our said Executive Council shall take rank and precedence in the said Council according to the order in which their names are herein-before inserted; and that in all other cases the Members of our said Council shall take rank and precedence therein according to the date and seniority of their respective appointments.

*Fourth.*—And further know you, that we, reposing especial trust and confidence in the wisdom, prudence and ability of our trusty and well beloved George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, James Peake, Charles Worrell, Donald Macdonald, William Macintosh, and John Livett, Esquires, do hereby nominate and appoint them the said George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, James Peake, Charles Worrell, Donald Macdonald, William Macintosh, and John Livett, to be, during our pleasure, Legislative

## APPENDIX (B).

Councillors in our said Island of Prince Edward: and we do hereby authorize and require you the said Sir John Colborne, to summon them to our said Legislative Council accordingly.

*Fifth.*—And we do further direct and appoint, that the Members of our said Legislative Council shall take rank and precedence in the said Council according to the order in which their names are herein-before inserted: and that in all other cases the Members of our said Legislative Council shall take rank and precedence therein according to the date and seniority of their respective appointments.

*Sixth.*—And you are, with all due and usual solemnity, to cause our said Commission constituting you our Captain General and Governor in Chief as aforesaid, to be read and published at the first meeting of our said Executive Council of our Island of Prince Edward—which being done, you shall then take and also administer to each of the Members of our said Council the several Oaths therein required.

*Seventh.*—You shall also administer, or cause to be administered, the Oaths mentioned in our said Commission, to the Members and Officers of our said Executive and Legislative Councils and Assembly, and to all Judges, Justices and other persons who hold any office or place of trust or profit in our said Island; without the doing of all which you are not to admit any person whatever into any public office, nor suffer those who may have been already admitted, to continue therein.

*Eighth.*—You are not to suspend any of the Members of either of our said Councils without good and sufficient cause; nor without the consent of the majority of the Members of our said respective Councils signified in Council, after due examination of the charge against such Councillor, and his answer thereunto: and in case of the suspension of any of them, you are to cause your reasons for so doing, together with the charges and proofs against such Councillor, and his answer thereto, to be duly entered upon the Council Books, and forthwith to transmit copies thereof to us, through one of our Principal Secretaries of State. Nevertheless, if it should happen that you should have reasons for suspending any Legislative or Executive Councillor, not fit to be communicated to the said respective Councils, you may in that case suspend such person without their consent; but you are thereupon immediately to send to us, through one of our Principal Secretaries of State, an account of your proceedings therein, with your reasons at large for such suspension.

*Ninth.*—And whereas effectual care ought to be taken to oblige the Members of our said respective Councils to a due attendance therein, in order to prevent the many inconveniences that may happen for want of a quorum of the said respective Councils to transact business as occasion may require: it is our will and pleasure that if any of the Members of our said respective Councils, residing in our said Island, shall hereafter wilfully absent themselves from the said Island, and continue absent above the space of Six Months together, without leave from you first obtained, under your hand and seal, or shall remain absent for the space of one year, without our leave given them under our Royal signature, his or their place or places in the said respective Councils shall immediately thereupon become void: and that if any of the Members of our said respective Councils, residing in our said Island, shall wilfully absent themselves hereafter from the said respective Councils, when duly summoned by you, without good and sufficient cause, and shall persist in such absence after being thereof admonished by you, you are to suspend such Councillors so absenting themselves, till our further pleasure be known therein, giving immediate notice thereof to us, through one of our Principal Secretaries of State. And we do hereby will and require you, that this our Royal pleasure be signified to the several Members of our said respective Councils; and that it be entered in the respective Council Books as a standing rule.

*Tenth.*—You are to communicate to our said Executive Council such and so many of these our Instructions, wherein their advice and consent are mentioned to be requisite; and likewise all such others, from time to time, as you shall find convenient for our service to be imparted to them.

## APPENDIX (B.)

*Eleventh.*—You are to permit the Members of our said respective Councils to have and enjoy freedom of debate and vote in all affairs of public concern which may be debated in the said respective Councils.

*Twelfth.*—And whereas by our Commission to you, under the Great Seal of the United Kingdom of Great Britain and Ireland, you are authorized and empowered, with the advice and consent of our said Executive Council, to summon and call General Assemblies of the Freeholders, inhabitants of our said Island, under your government, and with the advice and consent of the Legislative Council and Assembly of the said Island, or the major part of them, to make, constitute and ordain Laws, Statutes and Ordinances, for the public peace, welfare and good government of our said Island, it is our will and pleasure, that the following regulations be carefully observed in the framing and passing all such Laws, Statutes and Ordinances as may be passed by you, with the advice and consent of our said Legislative Council and Assembly, viz:

*Thirteenth.*—That the style of enacting the said Laws, Statutes and Ordinances, be by the Governor, Council and Assembly, and no other. That each different matter be provided for by a different Law, without including in one and the same Act such things as have no proper relation to each other. That no clause be inserted in any Act or Ordinance which shall be foreign to what the title of it imports; and that no perpetual clause be part of any temporary Law. That no Law or Ordinance whatever be suspended, altered, revised or repealed by general words, but that the title and date of such Law or Ordinance be particularly mentioned in the enacting part. That no Law or Ordinance respecting private property be passed without a clause suspending its execution until our Royal pleasure be known; nor without a saving of the right of Us, our Heirs and Successors, and of all bodies politic and corporate, and of all persons, except such as are mentioned in the said Law or Ordinance, and those claiming from, by and under them. And before such Law or Ordinance is passed, proof must be made before you in Council, and entered upon the Council books, that public notification was made of the party's intention to apply for such Act in the several Parish Churches where the Land in question lies, for three Sundays at least, successively, before any such Law or Ordinance shall be proposed; and you are to transmit and annex to the said Law or Ordinance a certificate under your hand that the same has passed through all the forms above mentioned. That in all Laws or Ordinances for levying moneys or imposing fines and forfeitures, express mention be made that the same are granted to us, our heirs and successors, for the public uses of the said Island, and the support of the Government thereof, as by the said Law or Ordinance shall be directed. That all such Laws, Statutes and Ordinances be transmitted by you within three months, or sooner, after the passing thereof, to us, through one of our principal Secretaries of State; and that all such Laws, Statutes or Ordinances be fairly abstracted in the margins, and accompanied with full and particular observations upon each of them—that is to say, whether the same is introductory to a new Law, declaratory of a former Law, or does repeal a Law then before in being. And you are also to transmit in the fullest manner the reasons and occasion for enacting such Laws or Ordinances, together with fair copies of the Journals and Minutes of the proceedings of the said Legislative Council and Assembly.

*Fourteenth.*—It is our will and pleasure, that you do not give your assent to any Act or Acts for raising Money by the institution of any public or private Lotteries.

*Fifteenth.*—It is our will and pleasure, that you are not to give your assent to any Bill for ascertaining the duration of Assemblies, the fixing or altering the qualifications of the electors or elected, or establishing any regulations with respect thereto, until you shall have transmitted the draft of such Bill or Bills unto us, through one of our Principal Secretaries of State, and shall have received our Royal pleasure thereupon; or that a suspending clause as aforesaid shall be inserted therein.

*Sixteenth.*—It is our will and pleasure, that you do not, upon any pretence whatsoever, give your assent to any Bill or Bills that may hereafter be passed by the Legislative Council and Assembly of the Island of Prince Edward, under your government, for the naturalization of Aliens; nor for the divorce of persons joined together in holy matrimony; nor for establishing a title in any persons to lands, tenements and real estates in our said Island of Prince Edward, originally granted to or purchased by Aliens antecedent to naturalization.

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*Seventeenth.*—And whereas great mischiefs may arise from passing Bills of an unusual and extraordinary nature and importance in our Plantations, which Bills remain in force there from the time of enacting until our pleasure be signified to the contrary: We do hereby will and require you not to pass or give your assent to any Bill or Bills of an unusual and extraordinary nature and importance, wherein our Prerogative, or the property of our subjects, may be prejudiced, or the trade and shipping of this Kingdom in any way affected, until you shall have first transmitted unto us, through one of our Principal Secretaries of State, the draft of such Bill or Bills, and shall have received our Royal pleasure thereupon, unless you take care that there be a clause inserted therein suspending and deferring the execution thereof until our pleasure shall be known concerning the same.

*Eighteenth.*—And it is our further will and pleasure, that you do not re-enact any Law to which the assent of us or our Royal Predecessors has once been refused, without express leave for that purpose first obtained from us, upon a full representation by you to be made to us, through one of our Principal Secretaries of State, of the reasons and necessity for passing such Law.

*Nineteenth.*—And it is our express will and pleasure, that no Law for constituting any Court or Courts of Judicature, or for establishing the Militia, shall be a temporary Law; and that no Law for granting unto us any sum or sums of money, by Duties of Impost, Tonnage or Excise, be made to continue for less than one whole year; as also that no other Laws whatsoever be made to continue for a less time than two years: except only in cases where it may be necessary, upon some unforeseen emergency, to make provision by Law for a service in its nature temporary and contingent.

*Twentieth.*—It is our will and pleasure, that you do not, on any pretence whatsoever, give your assent to, or pass any Bill or Bills in our Island of Prince Edward, under your Government, by which the Lands, Tenements, Goods, Chattels, Rights and Credits of persons who have never resided within our said Island of Prince Edward, shall be liable to be attached for the recovery of debts due from such persons, in any manner inconsistent with the usage and practice within this our United Kingdom of Great Britain and Ireland, until you have first transmitted unto us, through one of our principal Secretaries of State, the Draft of such Bill or Bills, and shall have received our Royal Pleasure thereupon—unless you take care in the passing of such Bill or Bills, that a clause or clauses be inserted therein, suspending and deferring the execution thereof until our Royal Pleasure be known thereupon.

*Twenty-first.*—It is our will and pleasure, that you do in all things conform yourself to the provisions contained in an Act of Parliament passed in the Fourth Year of the Reign of His late Majesty King George the Third, intituled “An Act to prevent Paper Bills of Credit hereafter to be issued in any of His Majesty’s Colonies or Plantations in America, from being declared to be a legal tender in payment of money;” and to prevent the legal tender of such Bills as are now subsisting from being prolonged beyond the period “limited for calling in and sinking the same;” and also of an Act passed in the Thirteenth Year of His said late Majesty King George the Third, to explain and amend the above recited Act, passed in the Fourth Year of His Reign as aforesaid; and you are not to give your assent to or pass any Act whereby Bills of Credit may be struck or issued in lieu of money, or for payment of money to you our Governor, or to any other person whatsoever, unless a clause shall be inserted in such Act declaring the same shall not take effect until the said Act shall have been approved and confirmed by us, our Heirs or Successors.

*Twenty-second.*—You are not to suffer any Public money whatsoever to be issued or disposed of otherwise than by Warrant under your hand; but the Assembly may nevertheless be permitted, from time to time, to view and examine the accounts of money disposed of by virtue of Laws made by them, as there shall be occasion. And we do hereby particularly require you to take care, that fair Books of Accounts of all Receipts and Payments of all Public Moneys be duly kept, in which Books shall be specified every particular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end that we may be satisfied of the right and due application of the Revenue of our said Island of Prince

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Edward, with the probability of the increase or diminution of the same, under every head and article thereof.

*Twenty-third.*—Our will and pleasure is, that you do, in all civil causes, on application being made to you for that purpose, permit and allow Appeals from any of the Courts of common Law in our said Island of Prince Edward; and you are for that purpose to issue a Writ in the manner which has been usually accustomed, returnable before yourself and the Executive Council of the said Island of Prince Edward, who are to proceed to hear and determine such Appeals, wherein such of the said Executive Councillors of our said Island of Prince Edward as shall be at that time Judges of the Court from whence such Appeal shall be so made to you, and to our said Executive Council as aforesaid, shall not be admitted to vote upon the said Appeal, but they may nevertheless be present at the hearing thereof, to give the reasons of the Judgment given by them, in the causes wherein such Appeal shall be made: Provided nevertheless, that in all such Appeals the sum or value appealed for do exceed the sum of Three hundred Pounds, Sterling; and that security be first duly given by the Appellant to answer such charges as shall be awarded, in case the first sentence be affirmed; and if either party shall not rest satisfied with the Judgment of you and our Executive Council as aforesaid, Our will and pleasure is, that the Appellant may then appeal unto Us in Our Privy Council, provided the sum or value so appealed for unto Us do exceed Five hundred Pounds, Sterling, and that such Appeal shall be made within Fourteen days after sentence, and good security be given by the Appellant that he will effectually prosecute the same and answer the condemnation, as also pay such Costs and Damages as shall be awarded by Us, in case the sentence of you and the said Executive Council shall be affirmed: Provided nevertheless, when the matter in question relates to the taking or demanding any duty payable to Us, or to any Fee of Office or Annual Quit Rent, or other such like matter or thing, where Our rights in future may be bound, in all such cases, you are to admit an Appeal to Us, in Our Privy Council, although the immediate sum or value appealed for be of a less amount or value: And it is Our further will and pleasure, that in all cases where by your Instructions, you are to admit Appeals to Us in Our Privy Council, execution be suspended until Our final determination of such Appeal, unless good and sufficient security be given by the Appellee to make such ample restitution of all that the Appellant shall have lost by means of such Decree or Judgment, in case upon the determination of such Appeal such Decree or Judgment should be reversed; and restitution awarded to the Appellant.

*Twenty-fourth.*—You are also to admit Appeals unto Us in Our Privy Council, in all cases of Fines imposed for Misdemeanors, provided the Fines so imposed amount to or exceed the sum of One hundred Pounds, Sterling—the Appellant first giving good security that he will effectually prosecute the same, and answer the condemnation of the sentence by which such Fine was imposed, be confirmed.

*Twenty-fifth.*—You shall not remit any Fines or Forfeitures whatsoever above the sum of Fifty Pounds, nor dispose of any Forfeitures whatsoever, until you signify the same to Us, through one of Our principal Secretaries of State, and shall have received Our directions thereupon; but you may in the mean time suspend the payment of the said Fines and Forfeitures.

*Twenty-sixth.*—You are, with the advice and consent of our Executive Council, to take especial care to regulate all Salaries and Fees belonging to places, or paid upon emergencies, that they be within the bounds of moderation; and that no exaction be made on any occasion whatsoever; as also that Tables of Fees be publicly hung up in all places where such Fees are to be paid.

*Twenty-seventh.*—And you are to transmit to Us, through one of Our principal Secretaries of State, with all convenient speed, a particular account of all establishments of Jurisdiction, Courts, Offices and Officers, Powers and Authorities, Fees and Privileges granted and settled within our said Island of Prince Edward; as likewise an account of all the expences, if any, attending the establishments of the said Courts and Offices:

*Twenty-eighth.*—And it is Our will and pleasure, that all Commissions to be granted by you to any per-

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son or persons, to be Judge, Justice of the Peace, or other necessary Officer, be granted during pleasure only.

*Twenty-ninth.*—You shall not displace nor suspend any of the Judges, Justices, Sheriffs, or other Officers or Ministers within Our said Island of Prince Edward, without good and sufficient cause, to be signified in the most full and distinct manner to Us, through one of Our principal Secretaries of State.

*Thirtieth.*—It being of the greatest importance to Our service, and to the welfare of Our Plantations, that justice be every where speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof be effectually prevented, We do particularly require you to take especial care that in all Courts where you are authorized to preside, justice be impartially administered, and that in all Courts established within our said Island of Prince Edward, all Judges and other persons therein concerned, do likewise perform their several duties without delay or partiality.

*Thirty-first.*—You shall not, by color of any power or authority hereby or otherwise granted, or mentioned to be granted, unto you, take upon you to give, grant, or dispose of any place or office within our said Island of Prince Edward, which now is or shall be granted by Warrant under our Signet and Sign Manual, any further than that you may, upon the vacancy of any such office or place, or upon the suspension of any such Officer by you as aforesaid, put in any fit person to officiate in the interim, until you shall have represented the matter unto Us, through one of our principal Secretaries of State.

*Thirty-second.*—And whereas complaints have been made by the Officers of our Customs in our Plantations in America, that they have been frequently obliged to serve upon Juries, or personally to appear in Arms whenever the Militia is drawn out, and thereby are much hindered in the execution of their employments: Our will and pleasure is, that you take effectual care, and give the necessary directions, that the several Officers of our Customs be excused and exempted from serving upon any Juries, or personally appearing in Arms in the Militia, unless in cases of absolute necessity, or serving on any parochial offices which may hinder them in the execution of their duties.

*Thirty-third.*—And whereas you will receive from our Commissioners for executing the office of our High Admiral of our United Kingdom of Great Britain and Ireland, and of the Plantations, a Commission constituting you Vice Admiral of our said Island of Prince Edward, you are required and directed carefully to put in execution the several powers thereby granted to you.

*Thirty-fourth.*—And there having been great irregularities in the manner of granting Commissions in the Plantations to private Ships of War, you are to govern yourself, whenever there shall be occasion, according to the Commission and Instructions granted in this Kingdom; but you are not to grant Commissions of Marque or Reprisal against any Prince or State in amity with Us, to any person whatsoever, without our especial command.

*Thirty-fifth.*—Whereas Commissioners have been granted in our Colonies and Plantations, for trying Pirates in those parts, pursuant to the several Acts for the more effectual suppression of Piracy, and a Commission has been issued, empowering you as our Captain General and Governor in Chief of our Island of Prince Edward, with other persons therein mentioned, to proceed accordingly in reference to the said Island of Prince Edward: Our will and pleasure is, that in all matters relating to Pirates you govern yourself according to the intent of the said Acts.

*Thirty-sixth.*—You are to permit all persons inhabiting our Island of Prince Edward under your Government, to have full liberty of conscience, and a free exercise of their respective modes of religious worship, provided they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government.

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*Thirty-seventh.*—You shall take especial care that God Almighty be devoutly and duly served throughout your Government; that the Book of Common Prayer, as by Law established, be read each Sunday and Holiday, and the blessed Sacrament administered, according to the rites of the Church of England.

*Thirty-eighth.*—It is our will and pleasure to reserve to you the power of granting Licenses for Marriages, Letters of Administration, and Probates of Wills, as heretofore exercised by your Predecessors; and also to reserve to you, and all others to whom it may lawfully belong, the right of Patronage and Presentation to Benefices: You are not, however, to present any Protestant Minister to any Ecclesiastical Benefice, without a Certificate from the Bishop of Nova Scotia, of his being conformable to the doctrine and discipline of the Church of England, and it is our will and pleasure, that the person so presented shall be instituted by the Bishop, or his Commissary, duly authorized by him.

*Thirty-ninth.*—And you are to take care that a Table of Marriages, established by the Canons of the Church of England, be hung up in all places of Public Worship, according to the rites of the Church of England.

*Fortieth.*—And whereas you will receive, through one of our principal Secretaries of State, a Book of Tables in blank, commonly called the Blue Book, to be annually filled up with certain Returns relative to the Revenue and Expenditure, Militia, Public Works, Legislature, Civil Establishment, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, and other Matters in the said Blue Book more particularly specified, with reference to the state and condition of our said Island of Prince Edward—now, we do hereby signify our pleasure, that all such Returns be accurately prepared and punctually transmitted to Us, from year to year, through one of our principal Secretaries of State; and that no Officer in our said Province, within whose Department it may be to contribute any Return or Returns for the purposes aforesaid, or to prepare the same when so contributed, shall be entitled to receive, or shall receive from you, any Warrant for the payment of his official salary, which may become due and payable to him, so long as such duty shall be in arrear, or remain unperformed.

*Forty-first.*—And in case of distress of any other of our Plantations, you shall, upon application of the respective Governors to you, assist them with such aid as the condition and safety of our said Island of Prince Edward, under your Government, can spare.

*Forty-second.*—You are likewise, from time to time, to give unto Us, through one of our principal Secretaries of State, an account of the wants of our said Island of Prince Edward, what are the chief products thereof, what new improvements are made therein by the industry of the Inhabitants or Planters, and what further improvements you consider may be made, or advantages gained by Trade, and which way we may contribute thereunto.

*Forty-third.*—If any thing shall happen which may be of advantage or security to our Island of Prince Edward, under your Government, which is not herein or by your Commission provided for, we do hereby allow unto you, with the advice and consent of our said Executive Council, to take order for the present therein, giving unto us, through one of our principal Secretaries of State, speedy notice thereof, that you may receive our satisfaction, if we shall approve the same: Provided always, that you do not, by colour of any power or authority hereby given, commence or declare War, without our knowledge and particular command therein.

*Forty-fourth.*—And whereas by our several Commissions under the Great Seal of the United Kingdom of Great Britain and Ireland, We have appointed you to be our Captain General and Governor in Chief of our Provinces of Upper Canada, Lower Canada, New Brunswick, and Nova Scotia, and of our Island of Prince Edward; and it is our intention that the Lieutenant Governors commanding in the said Provinces of Upper Canada, New Brunswick, Nova Scotia, and in our Island of Prince Edward, shall have and enjoy the full



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salaries, perquisites and emoluments granted to them, and arising from their respective Governments, in as full and ample a manner as if the said Governments were under distinct Governors in Chief, it is therefore our will and pleasure, that you shall not, at any time or times, when you shall be resident and commanding in chief in either of our said Provinces of Upper Canada, New Brunswick, Nova Scotia, or in our Island of Prince Edward, have or receive any part of the said salaries, perquisites or emoluments, but that the same shall continue to be paid and satisfied to the respective Lieutenant Governors of the said several Provinces and Island, in like manner as they usually are during your absence therefrom.

*Forty-fifth.*—And you are upon all occasions to send to us, through one of our principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your Government.

Lieutenant General SIR JOHN COLBORNE, G. C. B.

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OF  
**THE LEGISLATIVE COUNCIL**  
OF  
**Prince Edward Island.**

ANNO TERTIO VICTORIÆ REGINÆ.

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**THIRD SESSION OF THE FIFTEENTH GENERAL ASSEMBLY.**

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CHARLOTTETOWN:

PRINTED BY JAMES DOUGLAS HASZARD, PRINTER TO THE QUEEN'S MOST  
EXCELLENT MAJESTY.

1840.





BY HIS EXCELLENCY

**SIR CHARLES AUGUSTUS FITZ ROY, K. H.,**

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral, and  
**C. A. FITZ ROY.** Ordinary of the same, &c. &c. &c.

## **A P R O C L A M A T I O N .**

**W**HEREAS the General Assembly of this Island stands prorogued to Tuesday, the Second day of July next :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Thursday the Fifteenth day of August next—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Twenty-third day of June, in the year of our Lord One thousand eight hundred and thirty-nine, and in the Third year of Her Majesty's Reign.

By His Excellency's Command,

**J. P. COLLINS,** Colonial Secretary.

*GOD SAVE THE QUEEN.*

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BY HIS EXCELLENCY

**SIR CHARLES AUGUSTUS FITZ ROY, K. H.,**

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and  
**C. A. FITZ ROY.** Ordinary of the same, &c. &c. &c.

## **A P R O C L A M A T I O N .**

**W**HEREAS the General Assembly of this Island stands prorogued to Thursday, the Fifteenth day of August next :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Thursday the Twenty-sixth day of September next—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Tenth day of August, in the year of our Lord One thousand eight hundred and thirty-nine, and in the Third year of Her Majesty's Reign.

By His Excellency's Command,

**J. P. COLLINS,** Colonial Secretary.

*GOD SAVE THE QUEEN.*



BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.,

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and

C. A. FITZ ROY. Ordinary of the same, &c. &c. &c.

## A P R O C L A M A T I O N.

**W**HEREAS the General Assembly of this Island stands prorogued to Thursday, the Twenty-sixth day of September, instant :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Thursday the Seventh day of November next—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Twenty-fifth day of September, in the year of our Lord One thousand eight hundred and thirty-nine, and in the Third year of Her Majesty's Reign.

By His Excellency's Command,

J. P. COLLINS, Colonial Secretary.

GOD SAVE THE QUEEN.

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BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.,

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and

C. A. FITZ ROY. Ordinary of the same, &c. &c. &c.

## A P R O C L A M A T I O N.

**W**HEREAS the General Assembly of this Island stands prorogued to Thursday, the Seventh day of November, instant :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Thursday the Nineteenth day of December next—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this First day of November, in the year of our Lord One thousand eight hundred and thirty-nine, and in the Third year of Her Majesty's Reign.

By His Excellency's Command,

J. P. COLLINS, Colonial Secretary.

GOD SAVE THE QUEEN.

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BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.,

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and

C. A. FITZ ROY. Ordinary of the same, &c. &c. &c.

## A P R O C L A M A T I O N.

**W**HEREAS the General Assembly of this Island stands prorogued to Thursday, the Nineteenth day of December, instant :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Tuesday the Twenty-eighth day of January next, then to meet **FOR THE DISPATCH OF BUSINESS**—of which all persons concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Fourteenth day of December, in the year of our Lord One thousand eight hundred and thirty-nine, and in the Third year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Acting Colonial Secretary.

GOD SAVE THE QUEEN.

**JOURNAL**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF  
**PRINCE EDWARD ISLAND.**

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**TUESDAY, 28th January, 1840.**

In pursuance of His Excellency the Lieutenant Governor's Proclamation, the Legislative Council met.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Macdonald*,

Mr. *Macnutt*.

Mr. *Macintosh*,

**A**T Two of the clock, p. m. His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the attendance of the House of Assembly immediately in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased to open the Session with the following Speech:—

*Mr. President, and Honorable Gentlemen of the Legislative Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I have called you together at the usual season of the year, as being the best suited to the ordinary course of the Public Business.

It is with peculiar satisfaction that I am enabled to congratulate you upon the increased prosperity which has marked the progress of the past year in every department of our productive industry.

The influx of emigration—the wealth and sinews of a new country—has not been equalled in any former season; and, notwithstanding a partial failure of the wheat crop in some parts of the Colony, we have reason to be thankful for a plentiful harvest.

The Revenue exhibits an increase considerably exceeding that of the preceding year; and it is not unworthy of remark, that the Customs' Department, the receipts of which have heretofore proved inadequate to support the expence of the establishment, has, in the past year, paid a large sum into the Provincial Treasury.

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I have much pleasure in communicating to you the sanction of Her Majesty's Government to the appropriation of the liberal sum of £1500, out of the accruing produce of the Sales of Crown Lands, to the erection of a Building in Charlottetown as an Asylum for insane persons, and other objects of charity, upon the terms stated by you, in your address upon that important subject, presented to me during the last Session.

I shall, at the earliest period, cause the Public Accounts to be laid before you. The expenditure upon Roads and Bridges will be found to exceed the sum appropriated to that particular service; but as this expenditure became necessary, in consequence of the heavy gale with which the Island was visited on the 13th of September, I cannot doubt that it will receive your sanction.

The Estimates for the current year shall be prepared with a due regard to the wants of the Colony; and I rely upon your accustomed liberality to vote such supplies as the exigencies of the Public service may require.

*Mr. President, and Honorable Gentlemen of the Legislative Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

It will be my duty to lay before you communications which I have received from Her Majesty's Principal Secretary of State for the Colonies, upon several matters connected with the public interest; and I shall avail myself of the usual medium of conferring with you by message, upon all other subjects of like import.

With a full reliance upon your zeal and diligence in the discharge of your legislative duties, I have every hope, that your united deliberations will be productive of those objects for which alone we are assembled—the happiness and prosperity of the inhabitants of this fine Island.

The House of Assembly having withdrawn, His Excellency was pleased to retire soon after.

Prayers were then read.

The President informed the House that the Hon. *Thomas Heath Haviland* had been appointed by His Excellency the Lieutenant Governor, by Commission under the Great Seal of this Island, to fill the office of Clerk to this Honorable House, vacated by the decease of their late Clerk, John Philip Collins, Esq.—which Commission was read.

Mr. *Haviland* requested leave to appoint Mr. *Charles Desbrisay* as his Deputy. Leave being granted, Mr. Desbrisay took the Oath of office, and his seat at the Clerk's table.

The President then reported His Excellency's Speech—which being read by the Clerk—

**Resolved**, That an humble Address be presented to His Excellency the Lieutenant Governor, to return the thanks of this House, for his Speech delivered this day.

**Ordered**, That Mr. *Macdonald*, Mr. *Macintosh* and Mr. *Dalrymple* be a Committee to prepare a draft, pursuant to the above Resolution.

On motion, **Ordered**, that Mr. *Brecken* and Mr. *Goodman* be a Committee to revise the Journals of the House each day.

On motion, **Ordered**, that Mr. *Goodman*, Mr. *Macintosh* and Mr. *Livett* be a Committee to examine into and report upon such Laws as are near expiring.

On motion, **Ordered**, that the Journals of this House be printed daily, and that One hundred copies thereof be furnished.

Adjourned until One o'clock to-morrow.

**WEDNESDAY, 29th January, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Macdonald*,

Mr. *Macnutt*.

Mr. *Macintosh*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Mr. *Macintosh*, from the Committee appointed to prepare an Address, in answer to His Excellency's Speech, reported a Draft thereof, which he read in his place.

*Ordered*, That the said Report be received, and the said Draft was again read by the Clerk, and it was ordered that the House be forthwith put into a Committee of the whole to take the same into consideration.

The House was adjourned during pleasure, and put into a Committee on the said Address. After some time, the House was resumed, and Mr. *Macintosh* reported, that the Committee had gone through the Address, and made several amendments thereto.

The amendments being twice read by the Clerk, were agreed to by the House.

*Ordered*, That the said Address, with the amendments, be engrossed, and read a third time to-morrow.

A Message from the House of Assembly, by the Hon. J. S. Macdonald.

In the House of Assembly,

Wednesday, 29th January, 1840.

*Resolved*, That a Committee of Five Members be appointed to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings, from time to time, with power to send for persons, papers and records.

*Ordered*, That the Hon. J. S. Macdonald, Mr. Rae, Mr. Clark, Mr. Longworth and Mr. Thomson, do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the Legislative Council.

*Resolved*, That a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings, from time to time, with power to send for persons, papers and records.

*Ordered*, That Mr. *Brecken*, Mr. *Goodman* and Mr. *Macnutt* do compose the said Committee.

*Ordered*, That the said Resolution be communicated by Message to the House of Assembly.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, 30th January, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
Mr. *Goodman*,  
Mr. *Worrell*,  
Mr. *Macintosh*,

The Hon. Mr. *Livett*,  
Mr. *Dalrymple*,  
Mr. *Macnutt*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Pursuant to the Order of the Day, the Address to His Excellency the Lieutenant Governor, in answer to His Excellency's Speech, was read a third time, and passed. Whereupon the President signed the same, and it is as follows:—

To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

We, Her Majesty's dutiful and loyal subjects, the Members of the Legislative Council of Prince Edward Island, in Colonial Parliament assembled, offer to your Excellency our sincere thanks for the Speech which you were pleased to deliver at the opening of the present session.

We fully appreciate your Excellency's motives in convening the Legislature at a season of the year when our public duties can be best discharged with the least inconvenience to our private interests.

We are gratified to learn from your Excellency, that emigration has so materially increased during the past season, and that notwithstanding a partial failure of the wheat crop in some parts of the Colony, the harvest has been abundant.

We thank your Excellency for the information with reference to the improved state of the public Revenue for the past year, which affords the best test of the public prosperity; and it is most satisfactory to learn, that the Customs' Department has so considerably added to that improvement.

Our most respectful attention shall be given to the several communications from Her Majesty's principal Secretary of State, which your Excellency may be pleased to lay before us, as well as to all other matters connected with the public interests, which your Excellency may deem necessary to bring under our consideration, satisfied as we are, that your Excellency has the best interests of the Colony at heart.

Fully impressed with the conviction, that the happiness and prosperity of the Inhabitants of this Colony depend upon unanimity of feeling between the different branches of the Legislature, we beg to assure your Excellency, that no effort shall be wanting on our part to promote that desirable object; and we trust that our united endeavours may be productive of those advantages which your Excellency anticipates.

On motion, Ordered, that the said Address be presented to His Excellency by the whole House.

On motion, Ordered, that the Committee who prepared the Address, do wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive this House with their Address—who returning, reported that they had waited on His Excellency, and that His Excellency was pleased to appoint half-past One o'clock to-morrow for that purpose.

Adjourned until One o'clock to-morrow.

## FRIDAY, 31st January, 1840.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

Mr. *Macintosh*,

### PRAYERS.

**R**EAD the proceedings of yesterday.

At half past One o'clock, the House proceeded to Government House with their Address, in answer to His Excellency's Speech at the opening of the Session; and having returned, the President reported, that His Excellency had been pleased to receive the same, and to give an answer thereto, which was read by the Clerk, and is as follows:

*Mr. President, and Honorable Gentlemen of the Legislative Council;*

I return you my thanks for this Address, and for the assurance of your efforts to promote such measures as may tend to advance the interests of this Island.

Adjourned until One o'clock to-morrow.

## SATURDAY, 1st February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from His Excellency the Lieutenant Governor, by the Hon. Mr. Haviland, Acting Colonial Secretary:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, copies of two Despatches which he has received from Her Majesty's Principal Secretary of State for the Colonies, containing Orders of Her Majesty in Council, leaving to their operation the several Acts therein enumerated, passed during the two last Sessions of the Legislature.

In the Despatch of the 31st of October, are communicated the reasons why Her Majesty has not been advised to confirm the Bill for the relief of the American Loyalists.

Government House, February 1st, 1840.

List of Papers accompanying the said Message:

Copies of

- No. 1. Despatch from Lord Normanby to Sir C. A. Fitz Roy, dated 5th August, 1839.
  2. Order of Her Majesty in Council, dated 31st July, 1839.
  3. Despatch from Lord John Russel to Sir C. A. Fitz Roy, dated 31st October, 1839.
  4. Order of Her Majesty in Council, dated 21st October, 1839.
- (Vide Appendix A.)

The said Message and Papers were read, and ordered to lie on the table.

*Ordered*, That Mr. *Brecken* have leave to absent himself on Monday next.

Adjourned until One o'clock on Monday next.

**MONDAY, 3d February, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,  
Mr. *Worrell*,  
Mr. *Macdonald*,  
Mr. *Macintosh*,  
Mr. *Dalrymple*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

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**TUESDAY, 4th February, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,  
Mr. *Macdonald*,  
Mr. *Livett*,  
Mr. *Dalrymple*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.



## WEDNESDAY, 5th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
*Mr. Goodman*,  
*Mr. Livett*,  
*Mr. Dalrymple*,  
*Mr. Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until Two o'clock to-morrow.

## THURSDAY, 6th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
*Mr. Goodman*,  
*Mr. Werrell*,  
*Mr. Macdonald*,

The Hon. Mr. *Macintosh*,  
*Mr. Macnutt*.

PRAYERS.

**R**EAD the proceedings of Saturday last.

Mr. *Brecken* informed the House that indisposition prevents Mr. *Livett* from attending in his place.

*Ordered*, That Mr. *Livett's* excuse be received.

Mr. *Macintosh*, by leave, presented a Petition from the Inhabitants of Bedeque, and its vicinity, praying that this House will recommend a grant from the Legislature to Anthony Simpson, to enable him to run a larger Packet between Bedeque and Shediac, in the Province of New Brunswick.

The said Petition was read, and ordered to lie on the Table.

Adjourned until One o'clock to-morrow.

**FRIDAY, 7th February, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,  
*Mr. Worrell*,  
*Mr. Dalrymple*,  
*Mr. Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

**SATURDAY, 8th February, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Goodman*,  
*Mr. Worrell*,  
*Mr. Macdonald*,

The Hon. Mr. *Livett*,  
*Mr. Dalrymple*,  
*Mr. Macnutt*.

PRAYERS.

**M**R. *Macnutt* informed the House, that Indisposition prevents Mr. *Brecken* from attending in his place.

*Ordered*, That Mr. *Brecken's* excuse be received.

Mr. *Macdonald* informed the House that indisposition prevents Mr. *Macintosh* from attending in his place.

*Ordered*, That Mr. *Macintosh's* excuse be received.

Mr. *Goodman*, from the Committee appointed to examine into, and report upon the Expiring Laws, reported as follows, viz:

The Act 4 Will. 4, cap. 2, intituled "An Act for the summary trial of common Assaults and Batteries;" and the Act 6 W. 4, cap. 5, in amendment thereof, will expire on the last day of the present Session.

The Act 5 W. 4, cap. 12, intituled "An Act to prevent Hawkers and Pedlars travelling or selling within this Colony without License," will expire on the Tenth day of April next.

The Act 6 W. 4, cap. 8, intituled "An Act to prevent the running at large of Sheep in the Town of Charlottetown," will expire on the last day of the present Session.

The Act 6 W. 4, cap. 10, intituled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them," will expire on the last day of the present Session.

The Act 6 W. 4, cap. 20, intituled "An Act to regulate the manner of proceeding on Contested Elections of Members to serve in the General Assembly," will expire on the last day of the present Session.

The Act 2 Victoria, cap. 6, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island," will expire on the First day of March next.

The Act 2 Victoria, cap. 1, (second Session) intituled "An Act to further continue for One Year, and to amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island," will expire on the Sixth day of May next.

*Ordered*, That the said Report do lie on the Table.

The President laid before the House the Report of the Visiter appointed under the Act of the Legislature, for the encouragement and support of District and other Schools.

*Ordered*, That the said Report do lie on the Table.

Adjourned until One o'clock on Monday next.

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## MONDAY, 10th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

**TUESDAY, 11th February, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Worrell*,  
*Mr. Macdonald*,  
*Mr. Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

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**WEDNESDAY, 12th February, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,  
*Mr. Worrell*,  
*Mr. Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

## THURSDAY, 13th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

PRAYERS.

**R**EAD the proceedings of Saturday last.

Mr. *Brecken* informed the House, that Indisposition prevents Mr. *Dalrymple* from attending in his place.

*Ordered*, That Mr. *Dalrymple's* excuse be received.

A Message from the House of Assembly, by Mr. Palmer, with the following Bills, to which they desire the concurrence of the Legislative Council:

A Bill, intituled "An Act to prohibit the Exportation of Oysters from this Island, for a limited period."

A Bill, intituled "An Act to continue and amend an Act, intituled 'An Act to impose a Tax on Dogs, with certain exceptions,' and relating to other matters connected with them."

Read the said Bills a first time.

Adjourned until One o'clock to-morrow.

## FRIDAY, 14th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Macnutt*.

Mr. *Worrell*,

Mr. *Macintosh*,

PRAYERS.

**R**EAD the proceedings of yesterday.

The President informed the House, that Indisposition prevents Mr. *Macdonald* from attending in his place.

*Ordered*, That Mr. *Macdonald's* excuse be received.

A Message from the House of Assembly, by Mr. Longworth, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to continue for a limited period the several Acts providing for the summary Trial of Common Assaults and Batteries."

A Bill, intituled "An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown."

Read the said Bills a first time.

Read a second time, the Bill, intituled "An Act to prohibit the Exportation of Oysters from this Island, for a limited period."

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow.

Read a second time, the Bill, intituled "An Act to continue and amend an Act, intituled 'An Act to impose a Tax on Dogs, with certain exceptions,' and relating to other matters connected with them."

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow.

Read a second time, the Bill, intituled "An Act to continue for a limited period, an Act to prevent Hawkers and Pedlars travelling and selling in this Colony, without License."

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow.

Read a second time, the Bill, intituled "An Act to continue for a limited period, the several Acts providing for the summary Trial of common Assaults and Batteries."

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow.

Read a second time, the Bill, intituled "An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown."

*Ordered*, That the said Bill be committed to a Committee of the whole House on Monday next.

*Ordered*, That Mr. *Macnutt* have leave to absent himself until Wednesday next.

Adjourned until One o'clock to-morrow.

## SATURDAY, 15th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Livett*,

**T**HERE not being a Quorum,

Adjourned until One o'clock on Monday next.

## MONDAY, 17th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

PRAYERS.

**R**EAD the proceedings of Friday last.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to prohibit the Exportation of Oysters from this Island, for a limited period." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to continue and amend an Act, intituled 'An Act to impose a Tax on Dogs, with certain exceptions,' and relating to other matters connected with them." After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to continue for a limited period, an Act to prevent Hawkers and Pedlars travelling and selling in this Colony, without License." After some time, the House was resumed, and Mr. *Macintosh* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to continue for a limited period the several Acts providing for the summary Trial of common Assaults and Batteries." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly acquainting them therewith.

*Ordered*, That Mr. *Livett* have leave to absent himself to-morrow.

Adjourned until One o'clock to-morrow.



## TUESDAY, 18th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
Mr. *Goodman*,  
Mr. *Worrell*,

The Hon. Mr. *Macdonald*,  
Mr. *Macintosh*,  
Mr. *Dalrymple*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock to-morrow.

## WEDNESDAY, 19th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
Mr. *Goodman*,  
Mr. *Worrell*,  
Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,  
Mr. *Livett*,  
Mr. *Dalrymple*.

PRAYERS.

**A** MESSAGE from the House of Assembly, by Mr. Thomson, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to explain and amend an Act, intituled An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire."

A Bill, intituled "An Act to regulate the Floating of Logs, Scantling, Deals, and other kinds of Wood down the Rivers and lesser Streams in this Island."

Read the said Bills a first time.

*Ordered*, That the said Bills be read a second time to-morrow.

*Ordered*, That Mr. *Worrell* have leave to absent himself until Wednesday next.

Adjourned until One o'clock to-morrow.

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**THURSDAY, 20th February, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Macdonald*,  
*Mr. Macintosh*,  
*Mr. Dalrymple*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

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**FRIDAY, 21st February, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,  
*Mr. Macdonald*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

**SATURDAY, 22d February, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Macintosh*,

Mr. *Livett*,

Mr. *Dalrymple*.

**PRAYERS.**

**T**HERE not being a Quorum,

Adjourned until One o'clock on Monday next.

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**MONDAY, 24th February, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Livett*.

**PRAYERS.**

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

**TUESDAY, 25th February, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President ;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Liwett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Macdonald*,

Mr. *Macnutt*.

Mr. *Macintosh*,

PRAYERS.

**R**EAD the proceedings of Wednesday last.

Three Messages from His Excellency the Lieutenant Governor, by the Hon. Mr. Haviland, Acting Colonial Secretary:

[FIRST MESSAGE.]

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, copy of a Despatch from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, in reply to the wish expressed by the Council and Assembly, to be furnished with certain works published by the Record Commission, which are required to complete the set presented to them by Her Majesty's Government.

Government House, February 20th, 1840.

Paper accompanying the said Message.

Copy of Despatch from Lord John Russell to Sir C. A. Fitz Roy, dated 29th October, 1839.

(Vide Appendix B.)

The said Message and Despatch were read, and ordered to lie on the table.

[SECOND MESSAGE.]

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, copy of a Despatch from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, accompanied by a memorandum of the Clauses suggested by the Inspectors of Prisons, to be inserted in the Bill to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein, now under the consideration of Her Majesty's Government; and the Lieutenant Governor recommends these suggestions to the serious attention of the Legislative Council.

Government House, 20th February, 1840.

Papers accompanying the said Message.

No. 1. Copy of Despatch from Lord John Russell to Sir C. A. Fitz Roy, dated 25th November, 1839.

2. Memorandum of Clauses suggested by the Inspectors of Prisons.

(Vide Appendix C.)

The said Message and papers were read, and ordered to lie on the table.

## [THIRD MESSAGE.]

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, copies of a circular Despatch, and its enclosures, received from Her Majesty's late Principal Secretary of State for the Colonies, communicating the important information, that Her Majesty's Government has made the necessary arrangements for establishing Steam communication between Great Britain and British North America, twice in every month.

Government House, February 20th, 1840.

Papers accompanying the said Message.

Copy of Despatch from Lord Normanby to Sir C. A. Fitz Roy, dated 4th May, 1839—with the enclosures.

(Vide Appendix D.)

The said Message and Papers were read, and ordered to lie on the table.

Pursuant to Order, the Bill, intituled "An Act to explain and amend an Act, intituled An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire," was read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Pursuant to Order, the Bill, intituled "An Act to regulate the Floating of Logs, Scantling, Deals, and other kinds of Wood down the Rivers and lesser Streams in this Island," was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House to-morrow.

On motion, Resolved, that the Message of His Excellency the Lieutenant Governor, transmitted to the Legislative Council this day, with copy of a Despatch from the Right Honorable Lord John Russell, and the other documents therein mentioned, suggesting several amendments to the Act passed in the Session of 1838, for the regulation of the several Gaols within this Island, and establishing Prison Discipline therein; and the Act in amendment thereof, passed in the last Session, be referred to a Committee to be appointed by this House, to examine the same, and report thereon by Bill, or otherwise, with power to send for persons, papers and records.

*Ordered*, That Mr. *Macintosh*, Mr. *Dalrymple*, and Mr. *Macnutt* do compose the said Committee.

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, 26th February, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Dalrymple*,

Mr. *Goodman*,

Mr. *Macnutt*.

Mr. *Macdonald*,

Mr. *Macintosh*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Fraser, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to continue an Act for regulating the manner of proceeding on Contested Elections; and to amend an Act passed in the First year of Her present Majesty's Reign, to alter and amend an Act, intituled "An Act to consolidate and amend the Election Laws."

A Bill, intituled "An Act to repeal part of an Act passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled An Act for the more easy and effectual trial of Criminal Offenders, also Trials of Property, or any other suit or suits, of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in trials of such Offenders, as also in trials of Property, or any other suit or suits, of what nature or kind soever;" and to amend an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate and establish the stated Times and Places for holding the Supreme Court in King's and Prince Counties; and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the Trial of Issues for a limited period."

Read the said Bills a first time.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to regulate the Floating of Logs, Scantling, Deals, and other kinds of Wood down the Rivers and lesser Streams of this Island." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Mr. *Macintosh* moved for leave to bring in a Bill to amend an Act passed in the Seventh year of the Reign of the late King William the Fourth, intituled "An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown, in the Winter season." Leave being granted, the said Bill was brought in, and read a first time.

Adjourned until Eleven o'clock to-morrow.

## THURSDAY, 27th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;  
The Hon. Mr. *Goodman*,  
*Mr. Dalrymple*.  
*Mr. Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, 28th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

|                                                        |                              |
|--------------------------------------------------------|------------------------------|
| The Honorable Mr. <i>Attorney General</i> , President; |                              |
| The Hon. Mr. <i>Brecken</i> ,                          | The Hon. Mr. <i>Livett</i> , |
| <i>Mr. Goodman</i> ,                                   | <i>Mr. Dalrymple</i> ,       |
| <i>Mr. Macintosh</i> ,                                 | <i>Mr. Macnutt</i> .         |

PRAYERS.

**R**EAD the proceedings of Wednesday last.

Read a second time, the Bill, intituled "An Act to continue an Act for regulating the manner of proceeding on contested Elections;" and to amend an Act passed in the First year of Her present Majesty's Reign, to alter and amend an Act, intituled "An Act to consolidate and amend the Election Laws."

Read a second time, the Bill to amend an Act passed in the Seventh year of the Reign of the late King William the Fourth, intituled "An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown, in the Winter season."

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to continue an Act for regulating the manner of proceeding on Contested Elections;" and to amend an Act passed in the First year of Her present

Majesty's Reign, to alter an amend an Act, intituled "An Act to consolidate and amend the Election Laws." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Eleven o'clock to-morrow.

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## SATURDAY, 29th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Macintosh*,

Mr. *Macnutt*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Rae*, with a Bill, intituled "An Act for the Relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

A Message from the House of Assembly, by the Hon. Mr. *Pope*, with a Bill, intituled "An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout this Island, to appoint Clerks"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to amend an Act passed in the Seventh year of the Reign of the late King William the Fourth, intituled "An Act to prevent the running at large of Horses in the Streets and Squares of Charlottetown, in the Winter season." After some time, the House was resumed, and Mr. *Macintosh* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with several amendments.

*Ordered*, That the Report of the Committee be agreed to.

*Ordered*, That the said Bill be engrossed, and that the title be "An Act to prevent the running at large of Horses in the Streets and Squares of Charlottetown; and also to prevent the running at large of Neat Cattle in the said Streets and Squares, at certain seasons.

On motion, the said Bill was read a third time, as engrossed.



**Resolved,** That the said Bill do pass.

**Ordered,** That the said Bill be sent down to the House of Assembly, for their concurrence.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to continue an Act for regulating the manner of proceeding on contested Elections;" and to amend an Act passed in the First year of Her present Majesty's Reign, to alter and amend an Act, intituled "An Act to Consolidate and Amend the Election Laws." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendments, viz:

*Title, folio 1, line 1*—Strike out from the word "continue," to the word "Laws," in the Seventh line, both inclusive, and insert "amend an Act made and passed in the First year of Her present Majesty's Reign, intituled 'An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled An Act to consolidate and amend the Election Laws.'"

*Same folio, line 8*—Strike out from the word "whereas," to the word "votes," in the Second folio, line 15, both inclusive.

*Folio 2, line 15*—Strike out the word "therefore."

*Same folio, line 16*—After the word "enacted," insert "by the Lieutenant Governor, Council and Assembly."

*Folio 5, line 1*—Strike out from the word "and" to the word "longer," both inclusive.

Mr. *Brecken* further reported, that the Committee recommend to the House, that a Committee be appointed to prepare and bring in a Bill to continue the Act for regulating the manner of proceeding on Controverted Elections.

**Ordered,** That the Report of the Committee be agreed to, and that the amendments be engrossed.

On motion, **Ordered,** that Mr. *Brecken* and Mr. *Goodman* be a Committee to prepare and bring in a Bill in accordance with the said Report.

Mr. *Brecken* accordingly presented to the House a Bill, which, on motion, was read a first time.

On motion, the said Bill was read a second time.

**Ordered,** That the said Bill be engrossed, and that the title be "An Act to continue the Act for regulating the manner of proceeding on Controverted Elections."

Adjourned until Twelve o'clock on Monday next.

**MONDAY, 2d March, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

Mr. *Macintosh*,

PRAYERS.

**R**EAD the proceedings of Saturday.

Read a third time, and passed, the Bill, intituled "An Act to continue an Act for regulating the manner of proceeding on Contested Elections; and to amend an Act passed in the First year of Her present Majesty's Reign, to alter and amend an Act, intituled "An Act to consolidate and amend the Election Laws," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

Read a third time, as engrossed, the Bill, intituled "An Act to continue the Act for regulating the manner of proceeding on Controverted Elections."

*Resolved*, That the said Bill do pass.

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

On motion, *Ordered*, that the Bill, intituled "An Act to repeal part of an Act passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled An Act for the more easy and effectual trial of Criminal Offenders, also Trials of Property, or any other suit or suits, of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in trials of such Offenders, as also in trials of Property, or any other suit or suits, of what nature or kind soever;" and to amend an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate and establish the stated Times and Places for holding the Supreme Court in King's and Prince Counties; and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the Trial of Issues for a limited period," be read a second time to-morrow.

Mr. *Brecken*, by leave, presented a Petition from the members of a Committee appointed by the American Loyalists, and Disbanded Provincial Troops, and their Representatives, praying that this House will sanction the Bill recently passed by the House of Assembly, for the relief of the said American Loyalists, and Disbanded Provincial Troops, and their Representatives.

The said Petition was read, and ordered to lie on the table.

On motion, Ordered, that the Bill, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives," be read a second time on Wednesday next.

Read a second time, the Bill, intituled "An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace, throughout this Island, to appoint Clerks."

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, 3d March, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,  
Mr. *Worrell*,  
Mr. *Macdonald*,  
Mr. *Macintosh*,

The Hon. Mr. *Livett*,  
Mr. *Dalrymple*,  
Mr. *Macnutt*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Goodman* informed the House, that urgent business prevents Mr. *Brecken* from attending in his place.

Ordered, That Mr. *Brecken's* excuse be received.

Pursuant to Order, the Bill, intituled "An Act to repeal part of an Act passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled An Act for the more easy and effectual trial of Criminal Offenders, also Trials of Property, or any other suit or suits, of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in trials of such Offenders, as also in trials of Property, or any other suit or suits, of what nature or kind soever;" and to amend an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate and establish the stated Times and Places for holding the Supreme Court in King's and Prince Counties; and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the Trial of Issues for a limited period," was read a second time.

Ordered, That the said Bill be referred to a special Committee, to report thereon, with power to send for person, papers and records.

Ordered, That Mr. *Goodman*, Mr. *Worrell*, Mr. *Macintosh*, Mr. *Dalrymple* and Mr. *Macnutt* do compose the said Committee.

Adjourned until One o'clock to-morrow.

**WEDNESDAY, 4th March, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

Mr. *Macintosh*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

The Order of the Day, for the second reading of the Bill, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives," having been read,

On motion, the following Resolution was unanimously agreed to:

*Resolved*, That as a Bill similar in its provisions to the Bill now before the House, sent up from the House of Assembly, this present Session, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives," was passed by the Legislature of this Colony in the Session of 1839, and was disallowed by Her Majesty, for the reasons stated in the Despatch from the Right Hon. Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, to His Excellency the Lieutenant Governor, bearing date the 31st of October last, and transmitted to this House by His Excellency; and this House, as a component part of the Legislature of this Colony, by passing the said Act in the Session of 1839, having evinced their anxious desire to afford relief to the American Loyalists, and their descendants, which desire still exists; yet, as the Bill now before this House has been framed without regard to one of the most material objections of Her Majesty's Government, expressed in the said Despatch, to the effect, "that the Legislature had assumed a right to dispose of the Waste lands of the Crown, which the Crown had never surrendered to their control," and which right is yet assumed in the Bill now before this House, without any surrender by the Crown, this House feels compelled to reject it, as only tending to excite hopes that cannot be realized by Legislative interference, without the concurrence of Her Majesty's Government first obtained. *Therefore Resolved*, that the Order of the Day for the second reading of the Bill, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives," for this day, do now stand discharged, and that the said Bill be read a second time this day Six months.

*Ordered*, That Mr. *Goodman* have leave to absent himself to-morrow.

Adjourned until Twelve o'clock to-morrow.

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**THURSDAY, 5th March, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The HON. Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

The HON. Mr. *Macintosh*,

Mr. *Dalrymple*,

Mr. *Macnutt*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*Ordered*, That Mr. *Macintosh* have leave to absent himself to-morrow.

Adjourned until Two o'clock to-morrow.

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**FRIDAY, 6th March, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The HON. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Dalrymple*,

Mr. *Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, 7th March, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*,

Mr. *Macdonald*,

Mr. *Macnutt*.

PRAYERS.

**R**EAD the proceedings of Thursday last.

Mr. *Brecken* informed the House, that urgent business prevents Mr. *Goodman* from attending in his place.

*Ordered*, That Mr. *Goodman*'s excuse be received.

A Message from the House of Assembly, by Mr. Thomson, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to facilitate the intercourse between this Island, and the Provinces of Nova Scotia and New Brunswick."

A Bill, intituled "An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandize, and other things, seized as forfeited under any Revenue Law of this Colony."

A Bill, intituled "An Act to authorize the appointment of Coroners in King's and Prince Counties."

Read the said Bills a first time.

A Message from the House of Assembly, by Mr. Longworth.

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject of the Public Accounts, and have appointed Mr. Longworth, Mr. Thomson, Mr. Palmer, and Mr. Arbuckle a Committee to manage the said Conference.

On motion, *Ordered*, that a Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That Mr. *Brecken* and Mr. *Macdonald* be a Committee to manage the said Conference, to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

Read a second time, the Bill, intituled "An Act to facilitate the intercourse between this Island, and the Provinces of Nova Scotia and New Brunswick."

Read a second time, the Bill, intituled "An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandize, and other things, seized as forfeited under any Revenue Law of this Colony."

*Ordered*, That *Mr. Worrell* have leave to absent himself until Monday the Sixteenth instant.

Adjourned until Twelve o'clock on Monday next.

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## MONDAY, 9th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Macdonald*,

The Hon. *Mr. Livett*,  
*Mr. Dalrymple*,  
*Mr. Macnutt*.

PRAYERS.

**I**N the absence of the President, *Mr. Brecken*, the senior member present took the Chair, and there not being a Quorum, declared the House

Adjourned until One o'clock to-morrow.

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## TUESDAY, 10th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Macdonald*,  
*Mr. Macintosh*,

The Hon. *Mr. Livett*,  
*Mr. Dalrymple*,  
*Mr. Macnutt*.

PRAYERS.

**I**N the absence of the President, *Mr. Brecken*, the Senior member present, took the Chair.

Read the proceedings of Saturday last.

On motion, the House was adjourned, during pleasure, and put into a Committee on the Bill, intituled "An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout the Island, to appoint Clerks." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly acquainting them therewith.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandize, and other things, seized as forfeited under any Revenue Law of this Colony." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to facilitate the intercourse between this Island, and the Provinces of Nova Scotia and New Brunswick." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Adjourned until One o'clock to-morrow.



**WEDNESDAY, 11th March, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The HON. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Macdonald*,

The HON. *Mr. Macintosh*,  
*Mr. Dalrymple*,  
*Mr. Macnutt*.

**I**N the absence of the President, *Mr. Brecken*, the Senior member present, took the Chair, and there not being a Quorum, declared the House

Adjourned until One o'clock to-morrow.

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**THURSDAY, 12th March, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The HON. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Livett*,

The HON. *Mr. Dalrymple*,  
*Mr. Macnutt*.

**PRAYERS.**

**I**N the absence of the President, *Mr. Brecken*, the Senior member present took the Chair; and there not being a Quorum, declared the House

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, 13th March, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Hon. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Macdonald*,  
*Mr. Macintosh*,

The Hon. *Mr. Livett*,  
*Mr. Dalrymple*,  
*Mr. Macnutt*.

**PRAYERS.**

**I**N the absence of the President, *Mr. Brecken*, the Senior member present, took the Chair.

Read the proceedings of Thursday last.

A Message from the House of Assembly, by *Mr. Rae*.

*Mr. President*,

The House of Assembly have agreed to the Amendments made by the Legislative Council to the Bill, intituled "An Act to continue an Act for regulating the manner of proceeding on Contested Elections; and to amend an Act passed in the First year of Her present Majesty's Reign, to alter and amend an Act, intituled An Act to consolidate and amend the Election Laws."

Also, with the Bill, intituled "An Act to continue the Act for regulating the manner of proceeding on Controverted Elections," agreed to, without any amendment.

And also, with a Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the said Bill was read a second time.

*Ordered*, That the said Bill be committed to a Committee of the whole House on Monday next.

*Ordered*, That *Mr. Macnutt* have leave to absent himself until Monday the Twenty-third instant.

Adjourned until One o'clock to-morrow.

## SATURDAY, 14th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Goodman*,  
Mr. *Dalrymple*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until Twelve o'clock on Monday next.

## MONDAY, 16th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
Mr. *Goodman*,  
Mr. *Worrell*,  
Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,  
Mr. *Livett*,  
Mr. *Dalrymple*.

PRAYERS.

**R**EAD the proceedings of Friday last.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. *Worrell* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again. And Mr. *Worrell* further reported, that the Committee recommend that the Bill now before them be printed for the information of the House.

On motion, Ordered, that the Report of the Committee be agreed to, and that they have leave to sit again.

Read a second time, the Bill, intituled "An Act to authorize the appointment of Coroners in King's and Prince Counties."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendment, viz:

*Folio 2, line 6*—Strike out from the word “enacted,” to the end of the Clause, and insert “that  
“ nothing herein contained shall have any force or effect until Her Majesty’s pleasure  
“ therein shall be known.”

On motion, Ordered, that the Report of the Committee be agreed to, and that the amendment be engrossed.

*Ordered*, That Mr. *Macdonald* have leave to absent himself to-morrow.

Adjourned until One o’clock to-morrow.

## TUESDAY, 17th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill, intituled “An Act to authorize the appointment of Coroners in King’s and Prince Counties,” with the amendment.

*Ordered*, That the said Bill, with the amendment, be sent down to the House of Assembly, for their concurrence.

A Message from the House of Assembly, by Mr. Clark, with a Bill, intituled “An Act to provide certain regulations, as to the going at large of Neat Cattle in the Streets and Squares of Charlottetown,” to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o’clock to-morrow.

## WEDNESDAY, 18th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Worrell*,  
*Mr. Macintosh*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

## THURSDAY, 19th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Goodman*,  
*Mr. Worrell*,  
*Mr. Macdonald*,

The Hon. *Mr. Macintosh*,  
*Mr. Livett*,  
*Mr. Dalrymple*.

PRAYERS.

**R**EAD the proceedings of Tuesday last.

The President informed the House, that indisposition prevents Mr. *Brecken* from attending in his place.

*Ordered*, That Mr. *Brecken's* excuse be received.

Mr. *Worrell*, from the Special Committee, to whom was referred the Bill, intituled "An Act to repeal part of an Act passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled An Act for the more easy and effectual trial of Criminal Offenders, also Trials of Property, or any other suit or suits, of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in trials of such Offenders, as also in trials of Property, or any other suit or suits, of what nature or kind soever;" and to amend an Act passed in the Third year of the Reign of His late Majesty King

William the Fourth, intituled "An Act to regulate and establish the stated Times and Places for holding the Supreme Court in King's and Prince Counties; and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the Trial of Issues for a limited period," with power to send for persons, papers and records, made a Report, which he read in his place, and is as follows, viz:

Your Committee, to whom was referred the said Bills, beg leave to Report, that with the view of obtaining every information on the subject matter of the said Bills, they deemed it necessary to examine the Honorable the Chief Justice, and the Solicitor General, touching the practice of the Courts of this Colony, as at present constituted; and also as to the effect the said Bill, if passed, would have upon the practice of such Courts, and the rights of parties generally. And your Committee further report, that after an attentive consideration of the said Bills, and the said examinations, they are of opinion, that the passing of the said Bill would interfere with the common law, and the practice of the Courts of this Colony, in such a way as most materially to affect the rights of parties in such actions, as are by the said law and practice transitory in their nature; and your Committee therefore respectfully report it as their opinion that the said Bill ought not to pass into a Law.

Your Committee submit to your honorable House the examination of the Chief Justice and Solicitor General, above referred to.

On motion, Ordered, that the Report of the Committee be received.

Mr. *Macintosh*, from the Special Committee, to whom was referred the Message of His Excellency the Lieutenant Governor, with copy of a Despatch from the Right Honorable Lord John Russell, and the other documents therein mentioned, relative to the Act in amendment of the Act for regulating the several Jails within this Island, and establishing Prison Discipline therein, made a Report, which he read in his place, and is as follows:

Your Committee, to whom was referred the Despatch from the Right Honorable Lord John Russell to His Excellency the Lieutenant Governor of this Island, dated the 25th November, 1839; and also a Memorandum by Messrs. Crawford and Russell, Inspectors of Prisons in England, dated 7th November, 1839, relative to the Act of this Island, intituled "An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein," they have, in order to ascertain how far these suggestions could be applied, with advantage to this Colony, deemed it necessary to order Returns of the number of Prisoners, from the three different Jails of the Island, distinguishing males from females, with the nature of their crimes; and as far as could be ascertained, the religious faith of these prisoners. They have also examined John Myrie Holl, Esq. one of the Visiting Magistrates of the Charlottetown Jail, on the subject.

Your Committee have also taken into consideration the Report of the Committee of the Legislative Council of last Session, to whom was remitted a Bill relating to Prison Discipline, and they beg to report as follows:

1st. With regard to the appointment of a Chaplain in the different Jails of the Colony—a subject particularly alluded to by Lord John Russell—your Committee are of opinion, that owing to the difference of religious opinions among the people of this Island, it would not be advisable to select a Chaplain, exclusively from the Church of England; and on this point your Committee conceive that they are fully borne out by the Reports of the Commitments in the three Jails of the Island, showing the great diversity of religious creeds among the Prisoners—the Report of John Myrie Holl, Esq., and particularly by the report of the Committee appointed by your House on the 22d March, 1839, to which they beg particularly to refer.

2d. With regard to a permanent appointment of a Matron, your Committee submit that although the female prisoners amount only to the number of Fifteen during two years, yet a Matron is appointed in Charlottetown Jail, with a suitable Salary—and the appointment is understood to be a permanent one—any appointment in the other two Jails was considered unnecessary.

Your Committee beg to refer to the Report of the Committee of last Session, as containing an explanation of the other matters contained in Messrs. Crawford and Russell's report.

Your Committee cannot conclude the Report without expressing their approbation of the efficient system of prison discipline introduced by the present Visiting Magistrates of Charlottetown Jail, and their earnest hope that after the expensive alterations lately introduced into this Jail, the two Bills passed by the Legislature of this Colony in the Sessions of 1838 and 1839, for improving the Prison Discipline of the Colony, now under the consideration of the Government, will receive Her Majesty's sanction.

Your Committee also submit to your consideration the Reports from the three different Jails, Mr. Holl's answer, together with the Report of the Committee of last Session.

**On motion, Ordered, that the Report of the Committee be received.**

**For the Returns referred to in the above Report, with Mr. Holl's answer,**

(Vide Appendix E.)

**On motion, Ordered, that a Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor, submitting the said Report for the information of Her Majesty's Government, together with the various Returns therein mentioned, and respectfully requesting that His Excellency will be pleased to forward the same to the Imperial Government.**

**On motion, Ordered, that Mr. Macintosh and Mr. Dalrymple do compose the said Committee.**

Mr. Macintosh accordingly presented to the House the Draft of an Address, which he read in his place, and is as follows:

**To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.**

**May it please your Excellency;**

We Her Majesty's Legislative Council, for Prince Edward Island, in General Assembly convened, beg leave respectfully to submit to your Excellency, for the information of Her Majesty's Government, the accompanying Report of a Committee of this House, made this present Session, to whom was referred the Despatch of the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, of the 25th of November last, on the subject of the Prison Discipline Bills of this Colony, now under the consideration of the Imperial Government, and the Memorandum of the Inspectors of Prisons in England, referred to in said Despatch; and also the Report of a Committee of this House on the same subject, made in the Session of 1839, with the various Returns mentioned in the first named Report; and we respectfully request that your Excellency will be pleased to forward the same to the Imperial Government, confidently relying that when the same shall be duly considered, Her Majesty's assent will no longer be withheld to the said Bills.

**On motion, the said Address was agreed to, and ordered to be engrossed.**

**On motion, Ordered, that the Committee who prepared the Address, be a Committee to wait upon His Excellency the Lieutenant Governor with the same.**

**Adjourned until One o'clock to-morrow.**

**FRIDAY, 20th March, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

**PRAYERS.**

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Thomson, with the Bill, intituled "An Act to authorize the appointment of Coroners in King's and Prince Counties," agreed to, as amended by the Legislative Council.

Read a second time, the Bill, intituled "An Act to provide certain regulations, as to the going at large of Neat Cattle in the Streets and Squares of Charlottetown."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received; and leave granted.

On motion, the House was adjourned during pleasure, and put into a Committee on the Report of the Special Committee, to whom was referred the Bill, intituled "An Act to repeal part of an Act passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled An Act for the more easy and effectual trial of Criminal Offenders, also Trials of Property, or any other suit or suits, of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in trials of such Offenders, as also in trials of Property, or any other suit or suits, of what nature or kind soever;" and to amend an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate and establish the stated Times and Places for holding the Supreme Court in King's and Prince Counties; and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the Trial of Issues for a limited period." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Report of the Special Committee, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, Resolved, that the further consideration of the said Bill be deferred until this day six months:

Adjourned until One o'clock to-morrow.



## SATURDAY, 21st March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. *Mr. Brecken*,  
*Mr. Worrell*,  
*Mr. Macdonald*,  
*Mr. Livett*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until One o'clock on Monday next.

## MONDAY, 23d March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Worrell*,  
*Mr. Macdonald*,

The Hon. *Mr. Macintosh*,  
*Mr. Livett*,  
*Mr. Dalrymple*.

PRAYERS.

**R**EAD the proceedings of Friday last.

A Message from the House of Assembly, by Mr. Rae, with a Bill, intituled "An Act for opening Roads to Farms, from whence there is no access to any Public road," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Mr. *Goodman* moved for leave to bring in a Bill to prevent the bringing Persons convicted of Felonies and Misdemeanors, to this Island, from the Island of Newfoundland, or elsewhere, in America. Leave being granted, the said Bill was brought in and read a first time.

On motion, the said Bill was read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

*Ordered*, That the said Bill be engrossed, and that the title be "An Act to prevent the bringing Persons convicted of Felonies and Misdemeanors, to this Island, from the Island of Newfoundland, and elsewhere, in America."

Mr. *Worrell* moved for leave to bring in a Bill to provide for the maintenance and support of Illegitimate Children. Leave being granted, the said Bill was brought in, and read a first time.

On motion, the said Bill was read a second time.

Adjourned until Eleven o'clock to-morrow.

## TUESDAY, 24th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, as engrossed, the Bill, intituled "An Act to prevent the bringing Persons convicted of Felonies and Misdemeanors, to this Island, from the Island of Newfoundland, or elsewhere, in America."

*Resolved*, That the said Bill do pass.

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to provide for the maintenance and support of Illegitimate Children. After some time, the House was resumed, and Mr. *Worrell* reported, that the Committee had gone through the Bil, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

*Ordered*, That the said Bill be engrossed, and that the title be “An Act to provide for the maintenance and support of Illegitimate Children.”

Adjourned until Eleven o'clock to-morrow.

## WEDNESDAY, 25th March, 1840.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Dalrymple*.

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

### PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, as engrossed, the Bill, intituled “An Act to provide for the maintenance and support of Illegitimate Children.”

*Resolved*, That the said Bill do pass.

*Ordered*, That the said Bill be sent down to the House of Assembly, for their concurrence.

A Message from the House of Assembly, by Mr. *Palmer*, with a Bill, intituled “An Act to enable Married Women to convey Real Estate during their coverture”—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the said Bill was read a second time.

A Message from the House of Assembly, by Mr. *Rae*, with a Bill, intituled “An Act to prevent Lessees or Tenants being responsible for Quit Rents and Land Assessments”—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, Ordered, that the said Bill be read a second time to-morrow.

A Message from the House of Assembly, by Mr. Gorman, with a Bill, intituled "An Act to repeal an Act for regulating the Herring and Alewives Fisheries," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

*Ordered*, That the said Bill be read a second time on Friday next.

Mr. *Dalrymple*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, praying that His Excellency would be pleased to forward to Her Majesty's Government, the several documents on the subject of the Act in amendment of the Act for regulating the several Jails within this Island, and establishing Prison Discipline therein, reported, that they had waited on His Excellency, who was pleased to say, that he would attend to the request of the House.

*Ordered*, That Mr. *Macintosh* have leave to absent himself to-morrow.

Adjourned until Twelve o'clock to-morrow.

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## THURSDAY, 26th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Dalrymple*,

Mr. *Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, 27th March,, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
 Mr. *Goodman*,  
 Mr. *Worrell*,  
 Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,  
 Mr. *Livett*,  
 Mr. *Dalrymple*,  
 Mr. *Macnutt*.

PRAYERS.

**R**EAD the proceedings of Wednesday last.

The Order of the Day for the second reading of the Bill, intituled "An Act to prevent Lessees or Tenants being responsible for Quit Rents and Land Assessments," being read,

On motion, Resolved, that the same be discharged, and that the said Bill be read a second time this day three months.

On motion, Ordered, that the proceedings of this House had this day, on the Bill, intituled "An Act to prevent Lessees or Tenants being responsible for Quit Rents and Land Assessments," together with the said Bill, be printed in the Royal Gazette and Colonial Herald, Newspapers.

Pursuant to Order, the Bill, intituled "An Act to repeal an Act for regulating the Herring and Alewives Fisheries," was read a second time.

On motion, the said Bill was read a third time, and passed.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to provide certain regulations as to the going at large of Neat Cattle in the Streets and Squares of Charlottetown." After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendments:

*Title, folio 1, line 1*—Strike out from the word "provide" to the words "Charlottetown," in the Fifth line, both inclusive, and insert "prevent the running at large of Horses in the "Streets and Squares of Charlottetown; and also to prevent the running at large "of Neat Cattle, in the said Streets and Squares, at certain seasons, and to repeal a certain Act therein mentioned."

*Same folio. line 7*—Strike out from the word “provide” to the word “owners,” in the Seventh line of the Second folio, and insert “prevent the running at large of Horses at all seasons, and Neat Cattle at certain seasons, within the Streets and Squares of Charlottetown.”

“Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, if any Horse, Mare or Gelding shall be found at large within the Streets or Squares of Charlottetown, the Owner or Owners thereof shall be liable to pay a fine of \_\_\_\_\_ with costs—to be recovered before any one of Her Majesty’s Justices of the Peace for the said Town, on the Oath of one credible Witness; and to be levied by Warrant of Distress on the Goods and Chattels of the said Owner or Owners.”

“And be it further enacted, that if any Neat Cattle shall be found at large within the said Streets and Squares of the said Town, during any public Market day in the said Town, the Owner or Owners shall be liable to pay a fine of \_\_\_\_\_ and Costs—to be recovered in the way and manner prescribed in the First section of this Act.”

*Folio 2, line 16*—After the word “Act,” insert,

“And be it further enacted, that all Fines arising under and by virtue of this Act, shall be paid to the person who may sue for and recover the same.”

“And be it further enacted, that an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled ‘An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown in the Winter season,’ be and the same is hereby repealed.”

On motion, Ordered, that the Report of the Committee be agreed to, and that the amendments be engrossed.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled “An Act for the regulation of the Fishery Reserves in this Island.” After some time, the House was resumed, and Mr. *Dalrymple* reported, that the Committee had made some further progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

On motion, Ordered, that the *Solicitor General* have leave to be heard at the Bar of this House, against certain clauses in the said Bill, on Monday next, and that the Members of this House be summoned.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled “An Act to enable Married Women to convey Real Estates during their coverture.” After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly acquainting them therewith.

Adjourned until Twelve o’clock to-morrow.

**SATURDAY, 28th March, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Brecken*,  
Mr. *Goodman*,  
Mr. *Worrell*,  
Mr. *Macdonald*,

The Hon. Mr. *Livett*,  
Mr. *Dalrymple*.  
Mr. *Macnutt*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill, intituled "An Act to provide certain regulations as to the going at large of Neat Cattle in the Streets and Squares of Charlottetown," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

A Message from the House of Assembly, by Mr. Thomson.

Mr. President,

The House of Assembly have passed the Bill, intituled "An Act to prevent the bringing Persons convicted of Felonies and Misdemeanors, to this Island, from the Island of Newfoundland, or elsewhere, in America," without any amendment.

Also, with a Bill, intituled "An Act to regulate the service of Processes, and to explain a certain part of an Act, intituled "An Act for levying an Assessment on all Lands in this Island," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until Twelve o'clock on Monday next.

**MONDAY, 30th March, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*,

Mr. *Macdonald*,

Mr. *Macnutt*.

PRAYERS.

**R**EAD the proceedings of Saturday last.

According to Order, the names were called over.

The Order of the Day being read, for hearing the Solicitor General at the Bar, against the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island."

The *Solicitor General* was accordingly called in and heard at the Bar.

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, 31st March, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Livett*.

Mr. *Dalrymple*,

Mr. *Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.



## WEDNESDAY, 1st April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

Mr. *Macnutt*.

PRAYERS.

**R**EAD the proceedings of Monday last.

On motion, the House was adjourned, during pleasure, and put into a Committee on the further consideration of the Bill, intituled “An Act for the regulation of the Fishery Reserves in this Island.” After some time, the House was resumed, and Mr. *Dalrymple* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendments, viz:

*Folio 7. line 7*—Strike out from the word “and,” to the word “aforesaid,” in the Schedule, folio 29, line 13, both inclusive, and insert—

“And whereas no Grants from the Crown of the following Townships appear on Record in this Island, to wit, Numbers Eight (8), Twelve (12), Twenty (20), Twenty-five (25), Forty-four (44), and Forty-six (46): Be it therefore enacted, That if, at any period after the passing of this Act, any of the said Grants shall be placed on record, and it shall appear that a reservation on the coast thereof, in the form of either of the Reservations set forth in the preamble of this Act, is contained in the same, then the said Reservation in the said Grant, so recorded, shall be subject to all the enactments and provisions contained in this Act, relating to the Reservations in the Grants from the Crown, of the several Townships herein-before enumerated.”

“And be it further enacted, That in all cases where any person or persons, who at the time of the passing of this Act, shall be in the *bona fide* possession or occupation of any of the said Fishery Reserves, either by virtue of any Deed, Grant, Lease, or Agreement for Lease, or other Conveyance, from any original Grantee, his Heirs or Assigns, every such person or persons, their Heirs, Executors, Administrators or Assigns, shall be, and they are hereby confirmed in their several possessions and occupations as aforesaid—subject nevertheless to the right reserved for a free Fishery for all Her Majesty’s subjects, as hereinafter provided, under the following limitation and restriction (that is to say)—that no portion of the said Reserve which shall be occupied by any Building of any description, Farm-yard, Garden, Orchard, Mill-dam or Ship-yard, or on the front side, or end nearest the coast of any Building, Farm-yard, Garden, Orchard, Mill-dam or Ship-yard, or within the space of Sixty feet of any other side or end of any Building, Farm-yard, Garden, Orchard, Mill-dam or Ship-yard, as aforesaid, shall be liable to be occupied for the purpose of carrying on the said Fishery during the continuance of the term for which such person or persons shall be in such *bona fide* possession or occupation, as aforesaid.”

“ And be it further enacted, That to prevent persons holding such Reserves, or any part or parts thereof, under any demise or lease, or agreement for a demise or lease, (whether the same be written or parol), from any Proprietor or Proprietors of any Lands adjoining thereto, from being harassed by suits at Law, for the recovery of any Rent already accrued due, or that might hereafter accrue due, thereon, in respect of such part or parts of the said Reserves, under any such demise or lease, or agreement for a demise or lease, as aforesaid, no Proprietor or Proprietors shall be entitled to bring any action, or recover in any Court of Law in this Island, against any Tenant or Tenants, Lessee or Lessees, in the occupation of any part or parts of the said Reserves, under any such demise or lease, or agreement for a demise or lease, as aforesaid, for any rent due, or hereafter to accrue due, in respect of such Reserves: And if on the trial of any action for Rent, the Defendant or Defendants shall prove that all the Rent for which such action shall upon such trial appear to have been brought has been paid or satisfied, except such portion thereof as may have accrued due in respect of land on the said Reserve, then such Defendant or Defendants may give this Act in evidence, under the general issue, and the same shall in such case be held a sufficient answer in any Court of this Island, to entitle such Defendant or Defendants to a Verdict in his or their favour; and the said Court shall tax to the said Defendant or Defendants such costs as are usually taxed, when a Verdict is given for the Defendant in said Court: Provided always, that nothing herein contained shall extend, or be construed to extend, to any suit or suits, action or actions, now instituted or pending, or which shall be brought or commenced before the passing of this Act, in any Court of this Island.”

“ And be it further enacted, That no such Tenant or Tenants, Lessee or Lessees, shall be entitled to bring any action or suit, either at Law or Equity, in against any Proprietor or Landlord who shall have demised or leased, or agreed to demise or lease, any of the said Reserves, or any parts or portions thereof, for any damages whatsoever, by reason of the said Tenant or Tenants, Lessee or Lessees, being evicted from, or disturbed in his or their possession of such Reserves, or any part thereof, by virtue of this Act: And in any action or suit so brought or commenced in any Court of Law or Equity, for the purposes aforesaid, the Proprietor or Landlord may give this Act in evidence, as a full answer thereto; and if such suit or action shall be brought at Law, the Defendant or Defendants shall be entitled to a Verdict in his or their favor, with Costs, to be taxed as usual in such cases; and if in Equity, the Complainant's Bill shall be dismissed with costs to the said Defendant or Defendants, as is usual in such cases.”

“ And whereas great mischief and inconvenience may result from permitting persons wrongfully in possession of parts of the said Reserves, to hold the same against the Proprietor, Lessor or Owner of the Lands adjacent to, and in the rear thereof, notwithstanding such persons may be liable to be ejected or moved from such Lands in rear thereof:—For the preventing of which, be it therefore enacted, That whenever any Proprietor, Lessor or Owner of Lands immediately in rear and adjacent to the said Fishery Reserves, shall, would or may be able to maintain an action against the Tenant or Tenants, Occupier or Occupiers of such Lands, for recovering the possession thereof, such Proprietor, Lessor or Owner shall also have a right to enter into or maintain an action against such or any Tenant or Tenants, Occupier or Occupiers, having or being in possession of any part or parts of the said Reserves, adjacent to and in front of such Lands, unless such Tenant or Tenants, Occupier or Occupiers, shall shew a good and legal right and title thereto, or to the possession thereof:—And in like manner, be it further enacted, That whenever any Rent shall be due and in arrear, for and in respect of any Lands adjacent to, and in the rear of the said Reserves, and the Lessor or Landlord thereof shall be entitled to distrain therefor on such Lands, it shall and may be lawful for such Lessor or Landlord to enter upon any part or parts of the

‘ said Reserve, and distrain thereon, for the purpose of satisfying such arrears of Rent, although by virtue of this Act, such Rent may be only due and in arrear in respect of or chargeable on the Land adjacent to, and in rear of the part of the said Reserves upon which such entry may be so made, or distress taken: Provided, that the person or persons in possession of the part of the said Reserves, into which such Lessor or Landlord shall go, enter or distrain, be Tenant or Tenants, Occupier or Occupiers of the Land adjacent to and in rear thereof, and in respect of which such Rent shall have accrued due: And further provided always, that nothing in this clause contained shall extend, or be construed to extend, to give any right of action or suit against or in any way to enable or empower any Proprietor, Lessor or Owner, to disturb, injure or molest any person or persons in the possession of, or occupying any part of, the said Reserves for fishing purposes, according to and under the provisions of this Act, or to extend, or be construed to extend, to affect, change, alter, take away, or in anywise interfere with the right of Her Majesty, her Heirs or Successors, to the whole, or any part, of the said Reserves; but that as between her said Majesty, her Heirs and Successors, and such Proprietors, Lessors or Owners, the right to the said Reserves shall stand and be in the same plight and condition as if this clause had not been enacted.”

“ And be it further enacted, That where any land that may be bounded by the sea coast of this Island has been granted or sold by the Crown, or on behoof of the Crown, or by the authority of the Act of the General Assembly, intituled “ An Act to authorize the sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands,” in pieces or parcels not exceeding Three hundred acres in one piece or parcel, without any allowance or deduction having been made for the said Reservation in the said Grants or Deeds, then, and in such case, such Grantee or Feoffee shall not be liable or subject to the said Reservation, but shall retain the same, and keep possession thereof, peaceably and quietly, the same as if this Act had not been made.”

“ And whereas it is not reasonable or just that the Freeholders and Tenantry of this Island should be harassed with frequent and expensive litigation, if it can be prevented; but it is nevertheless probable, that in consequence of the numerous disputes and controversies likely to occur, as to the extent of the said Fishery Reserves, they will be exposed to the same, unless the extent of the said Reserves be in some way defined and ascertained—For remedying of which, and for the preventing of harassing and ruinous litigation, be it therefore further enacted, That as soon as conveniently may be, after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief, by and with the advice of Her Majesty’s Executive Council, to appoint three fit and proper persons (of whom the Surveyor General of this Island for the time being shall be one), to be Commissioners for ascertaining and settling the extent of the said Fishery Reserves, in the manner hereinafter directed; which said Commissioners (being first duly sworn, before some Judge of the Supreme Court of this Island, well and faithfully to discharge the duties of their office, according to the best of their skill and judgment) shall within Twelve Months after their appointment, examine the Headlands or Entrances of the several harbours or inlets on the coasts of this Island, and define and settle the same, by declaring what respective headlands or points shall be considered and held to form the mouth or entrance of such harbours or inlets respectively: And the said Commissioners shall thereupon make a Report and Plan of their proceedings, under their hands, clearly pointing out and specifying the respective headlands or points so defined and settled by them as aforesaid, and shall file the same in the office of the Surveyor General of this Island— which Plan or Report, so filed as aforesaid, shall be received and taken as conclusive evidence of the proceedings of said Commissioners, in all the Courts of this Island;

‘ and that none of the said Fishery Reserves shall be held or construed to extend or come within the Mouth or Entrance of any harbour or inlet, on the coast of this Island, beyond such respective headlands or points so defined and settled as aforesaid: and in case of the death, absence or removal of any of the said Commissioners, before the whole duty of their office shall have been completed, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty’s Executive Council, to appoint another or others in the place of such Commissioner or Commissioners so dying or being absent, or removing. Provided always, that the power of the said Commissioners shall not extend to declare any of the Marshes or Sandhills, or any part thereof, on the coasts of this Island, to be within the said Fishery Reserves; but the same are hereby declared not to extend to the said Marshes or Sandhills, or any part thereof—anything in the Reservations contained in the said Grants from the Crown of the respective Townships or Islands belonging thereto, to the contrary thereof, in any wise notwithstanding.”

“ And be it further enacted, That as soon as may be, after the said Commissioners shall have made a Report and Plan of their proceedings as aforesaid, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty’s Executive Council, to appoint two or more persons, as Conservators of Fishery Reserves, in each of the Counties of this Island, who shall have full power and authority to enter into, examine, lay off and admeasure any parts of the said Reserves, in their respective Counties, in such form and manner as are hereinafter directed by this Act.”

“ And be it further enacted, That when and as often as any person or persons shall be desirous of obtaining any part or parts of any of the said Fishery Reserves, for the purpose or carrying on a free Fishery, he shall apply to one or more of the Conservators appointed for the County in which such Reserve is situated (which application shall be made in writing, on or before the First day of *April*, in each and every year), and shall also make and subscribe the affidavit to this Act annexed, marked (A.), before the said Conservator, who is hereby empowered and required to administer the Oath and attest the same; whereupon the said Conservator is authorized and directed to proceed, without unnecessary delay, to examine the particular part of the said Fishery Reserve which the said applicant is desirous of obtaining; and if the said Conservator shall be of opinion that the said situation, so applied for, be eligible for the purpose for which it is required, he shall thereupon lay off a proportion of the said Fishery Reserve, to the extent to which the said applicant may be entitled, as is herein-after provided; and shall grant a certificate, under his hand, stating the name of the person, if any, in the possession thereof, and describing the Boundaries, and the area thereof, and whether the same is in a cultivated or wilderness state—which Certificate shall be furnished to the person or persons applying for the said Fishery Reserve, who is thereupon required to serve a copy of the same at the Dwelling House of the person in possession of the same, if any; and within ten days next after such service, it shall and may be lawful for the said person or persons, to whom the said Certificate of the said Conservator is granted, to enter into possession, and occupy the said Fishery Reserve described in the said Certificate, so long as it shall be required for the *bona fide* purpose of carrying on a free Fishery as aforesaid: and in such case the said Fishery Reserve shall be in a wilderness and unoccupied state, then it shall and may be lawful for the person or persons to whom the same has been allotted by the said Conservator, to enter into, take possession of, and occupy the same immediately upon the Certificate from the said Conservator being granted: Provided always, that if

‘ within four months next after granting such Certificate, no possession or occupation shall have taken place by such person or persons obtaining the same, then the said Certificate shall be void, and of no effect: Provided also, that in all cases where any person or persons shall consider himself or themselves aggrieved, by reason of any Station being selected and certified by any such Conservator, and which he or they shall consider ineligible or too extensive for the purposes required, then, and in such case, every such person shall have the right to appeal to the Supreme Court of Judicature, at any time within ten days after service of such Certificate, by giving to the said party applicant notice, in writing, of such his or their intention—which notice shall be in the form of the Schedule to this Act annexed, marked (B); and upon hearing evidence thereupon, the said Court is hereby authorized and empowered, in a summary way, either to confirm the said Certificate, or vary or lessen the same, as to the said Court shall appear most conducive to the ends of justice, and in its discretion to give to either party such costs as the Court may award.”

“ And be it enacted, That no person or persons shall be deemed to be carrying on a Fishery, under the meaning of this Act, unless such person or persons shall keep at least one good and sufficient Boat, of not less than eighteen feet keel, properly equipped, and manned with at least four able-bodied men, and shall keep the same exclusively employed, for and during the space of Ninety days, between the First day of *May*, and the First day of *October*, in carrying on the Fishery; and that no person or persons shall occupy more than twenty feet of the front of the said reserved Lands for every male person.”

“ Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent any of Her Majesty’s subjects, engaged in fishing Mackerel, Herrings or Alewives, from drying his or their nets, or from curing the fish so taken, or any part of the said reserved Land, not being previously occupied for the purpose of carrying on the Fishery.”

“ And be it further enacted, That nothing in this Act contained shall be construed to prohibit or prevent any person or persons, who shall carry on a Fishery under the provisions of this Act, and who shall erect any Building or Buildings for that purpose on said Reserves, from removing such Building or Buildings, or from disposing, by himself or themselves, or his or their Heirs, Executors, Administrators or Assigns, of the said Building or Buildings, to any other person or persons who may continue to carry on said Fishery, as contemplated by this Act: Provided always, that if any such person or persons shall cease to carry on such a Fishery, between the First day of *May*, and the First day of *November*, in any year, or shall neglect to dispose of or remove such Building or Buildings, during the period aforesaid, then he or they shall forfeit the title of possession to such Premises, and the Buildings erected thereon, and the same may be occupied by any other person or persons, who shall, in the manner hereinbefore directed, have obtained the same for the purposes of the Fishery.”

“ And be it further enacted, That this Act shall not interfere with any license or licenses that may have hitherto been granted by the Executive of this Island, to any person or persons, of such part or parts of the Reservations contained in the original Grants of the Townships thereof, or of the Islands adjacent thereto, for carrying on the Fisheries; but that such person or persons, so receiving such license or licenses as aforesaid, shall retain and keep quiet, peaceable and undisturbed possession of the land or lands so licensed to him or them as aforesaid, the same as if this Act had not been made.”

“ And be it further enacted, That if any person or persons shall knowingly or wilfully make a false affidavit or oath, in any case wherein affidavits or oaths are required to be made or taken, under and by virtue of this Act, such person or persons, on due

‘ conviction thereof, shall be subject to the pains and penalties imposed by law upon  
 ‘ persons guilty of wilful and corrupt perjury.

“ Provided always, That nothing in this Act contained shall have any force or effect  
 ‘ until Her Majesty’s pleasure therein shall be known.”

#### SCHEDULE (A.)

“ I *A. B.* of            in the County of            do make oath and say, that I am a British subject, and am desirous of embarking in the Fishing Trade of this Island, and intend to prosecute the same to such extent as I conceive will entitle me, under the provisions of the Act, intituled *An Act for the regulation of the Fishery Reserves in this Island*, to a certain piece of Fishery Reserve Land, situate at            on Township Number            or            Island, in the County of            and fronting on            and that I wish to obtain possession of the said piece of Land, for the *bona fide* purpose of carrying on the business of the Fishery, and such uses as are immediately connected therewith, and for no other use or purpose whatsoever.

Sworn at            the  
 day of            before me,  
*A. B. Conservator.*”

#### SCHEDULE (B.)

“ Take notice, that I do appeal against the order made by the Conservator of Fishery Reserves, made in your favour, for a portion of the land in my occupation, situate on Township Number            in the County of            for that [*here insert the reasons of appeal*], and that it is my intention to move the Supreme Court, at its next sitting in the said County, to hear and determine the said appeal according to law.

Dated this            day of            183  
 To Mr. *C. D.*”

On motion, Ordered, That the Report of the Committee be agreed to, and that the amendments be engrossed.

On motion, Ordered, that the Bill, intituled “ An Act for opening Roads to Farms, from whence there is no access to any Public Road,” be read a second time to-morrow.

Read a second time, the Bill, intituled “ An Act to regulate the Service of Processes, and to explain a certain part of an Act, intituled “ An Act for levying an Assessment on all Lands in this Island.”

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendments:

*Folio 1, line 9*—Strike out from the word “ that” in the first enacting clause, to the word “ that,” in the Ninth line of the Third folio, inclusive.

Strike out the last clause.

*In the Title*—Strike out from the word “ Act,” in the first line, to the word “ to,” in the second line, inclusive.

On motion, Ordered, that the Report of the Committee be agreed to, and that the amendments be engrossed.

Ordered, That Mr. *Goodman* have leave to absent himself for three days.

Adjourned until One o’clock to-morrow.

**THURSDAY, 2d April, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;  
 The Hon. Mr. *Brecken*,  
     Mr. *Worrell*,  
     Mr. *Macdonald*,  
     Mr. *Dalrymple*,  
     Mr. *Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, 3d April, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

|                                                        |                              |
|--------------------------------------------------------|------------------------------|
| The Honorable Mr. <i>Attorney General</i> , President; |                              |
| The Hon. Mr. <i>Brecken</i> ,                          | The Hon. Mr. <i>Livett</i> , |
| Mr. <i>Worrell</i> ,                                   | Mr. <i>Dalrymple</i> ,       |
| Mr. <i>Macdonald</i> ,                                 | Mr. <i>Macnutt</i> .         |
| Mr. <i>Macintosh</i> ,                                 |                              |

PRAYERS.

**R**EAD the proceedings of Wednesday.

Read a third time, and passed, the Bill, intituled "An Act to regulate the service of Processes, and to explain a certain part of an Act, intituled An Act for levying an Assessment on all Lands in this Island," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

On motion, *Ordered*, that the Order of the Day for the second reading of the Bill, intituled "An Act for opening Roads to Farms, from whence there is no access to any Public Road," be postponed until Monday next.

A Message from the House of Assembly, by Mr. Longworth, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to amend the Act relating to Merchant Seamen."

A Bill, intituled "An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar, and Clerk of the Executive Council."

A Bill, intituled "An Act to further amend the Act for holding the Supreme Court in King's and Prince Counties."

Read the said Bills a first time.

Read a second time, the Bill, intituled "An Act to amend the Act relating to Merchant Seamen."

Read a second time, the Bill, intituled "An Act to further amend the Act for holding the Supreme Court in King's and Prince Counties."

Adjourned until Twelve o'clock to-morrow.

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## SATURDAY, 4th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. *Mr. Worrell*,

*Mr. Macdonald*,

*Mr. Dalrymple*,

*Mr. Macnutt*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until Twelve o'clock on Monday next.



## MONDAY, 6th April, 1840.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,

Mr. *Livett*,

Mr. *Dalrymple*,

Mr. *Macnutt*.

### PRAYERS.

**R**EAD the proceedings of Friday last.

A Message from the House of Assembly, by the Hon. Mr. Pope, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane Persons, and other objects of Charity, and to provide for the future maintenance of the same."

A Bill, intituled "An Act to amend an Act, intituled "An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned."

Also, with the Bill, intituled "An Act to regulate the service of Processes, and to explain a certain part of an Act, intituled "An Act for levying an Assessment on all Lands in this Island," agreed to, as amended by the Legislative Council.

Read a first time, the Bill, intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane Persons, and other objects of Charity, and to provide for the future maintenance of the same."

On motion, the said Bill was read a second time.

Read a first time, the Bill, intituled "An Act to amend an Act, intituled An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned."

On motion, the said Bill was read a second time.

The Order of the Day for the second reading of the Bill, intituled "An Act for opening Roads to Farms, from whence there is no access to any Public Road," being read, Ordered, that the same be discharged, and that the said Bill be read a second time this day three months.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to amend the Act relating to Merchant Seamen." After some

time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly acquainting them therewith.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to further amend the Act for holding the Supreme Court in King's and Prince Counties." After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendments, viz:

*Folio 4, line 4*—After the word "Judge," insert "nor shall the Defendant or Defendants be compelled to go to trial, at any Term in either of the said Counties, which may be held by any Assistant Judge, in the absence of the Chief Justice, or be liable to any costs to the Plaintiff or Plaintiffs, for refusing to go to trial, notwithstanding notice of trial shall have been duly given by the Plaintiff or Plaintiffs."

"And whereas in consequence of their being no sitting of the Supreme Court for King's County, in July Term last, as aforesaid, it was deemed and adjudged that all causes, civil and criminal, which were continued to the term, which should have been then and there holden, were therefore discontinued: And whereas to avoid expense and delay to the suitors in the said causes, so discontinued, it is deemed necessary that Legislative Provision should be made for their revival: Be it therefore enacted, that it shall and may be lawful for the Chief Justice, upon due application made to him, and notice given to the opposite party, by his fiat, to cause such and every of the said causes, matters and things so discontinued as aforesaid, to be revived, without any re-summons, or further process or proceeding whatever; and every cause, matter or thing so revived, shall be taken and considered, at the time of such fiat granted, to be at the same stage, and in the same situation in all respects, and to all intents and purposes, as it was at the time of the said July Term, had the same been duly held as aforesaid."

On motion, Ordered, that the Report of the Committee be agreed to, and that the amendments be engrossed.

Read a second time, the Bill, intituled "An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar, and Clerk of the Executive Council.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to amend an Act, intituled An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned." After some time, the House was resumed, and Mr. *Dalrymple* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

*Ordered*, That the said Bill be read a third time to-morrow.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane Persons, and other objects of Charity, and to provide for the future maintenance of the same." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock to-morrow.

## TUESDAY, 7th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dabrymple*.

Mr. *Macdonald*,

Mr. *Macnutt*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Pursuant to Order, the Bill, intituled "~~An Act to amend an Act~~, intituled An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned"—was read a third time.

*Resolved*, That the said Bill do pass.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a third time, and passed, the Bill, intituled "An Act to further amend the Act for holding the Supreme Courts in King's and Prince Counties," with the amendments.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly for their concurrence.

On motion, the House was adjourned during pleasure and put into a Committee on the further consideration of the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again to-morrow.

On motion, *Ordered*, that the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock to-morrow.

**WEDNESDAY, 8th April, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Werrell*,

Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,

Mr. *Livett*,

Mr. *Dalrymple*,

Mr. *Macnutt*.

**PRAYERS.**

**R**EAD the proceedings of yesterday.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and they recommend that the said Bill be referred to a Special Committee, to report thereon with all convenient speed.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That Mr. *Macdonald*, Mr. *Macintosh* and Mr. *Dalrymple* be a Committee for that purpose.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane Persons, and other objects of Charity, and to provide for the future maintenance of the same." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That Mr. *Brecken* and Mr. *Dalrymple* be a Committee to manage the said Conference, to meet in the Committee Room on Friday next, at Two o'clock.

Adjourned until Twelve o'clock to-morrow.

**THURSDAY, 9th April, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The HON. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Worrell*,  
*Mr. Macdonald*,

The HON. *Mr. Macintosh*,  
*Mr. Livett*,  
*Mr. Dalrymple*,  
*Mr. Macnutt*.

PRAYERS.

**I**N the absence of the President, from Indisposition, *Mr. Brecken*, the senior member present, took the Chair.

*Mr. Macdonald*, from the Special Committee, to whom was referred the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island, reported that the Special Committee had agreed to the said Bill, as amended by this House, and as referred to the Special Committee, with the exception of the Tenth clause, which they had agreed to recommend to this House to expunge therefrom.

On motion, Ordered, that the said Report be referred to a Committee of the whole House to-morrow.

A Message from the House of Assembly, by *Mr. Young*.

*Mr. President*,

The House of Assembly do agree to a Conference as is desired by the Legislative Council, on the Bill, intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same," at the time and place mentioned by the Council, and have appointed *Mr. Young*, *Mr. Montgomery*, *Mr. Palmer* and *Mr. Longworth* a Committee to manage the said Conference.

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, 10th April, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*.

Mr. *Worrell*,

Mr. *Macdonald*,

**PRAYERS.**

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. D. Macdonald, with a Bill, intituled "An Act to continue for One Year the Act, intituled An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the said Bill was read a second time.

Read a third time, and passed, the Bill, intituled "An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar, and Clerk of the Executive Council."

*Ordered*, That the said Bill be sent down to the House of Assembly.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill, intituled "An Act to ~~authorize the erection of a Building near Charlottetown~~, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same," having gone to the Conference, and returned, reported that they had complied with the instructions given them by this House.

A Message from His Excellency the Lieutenant Governor, by the Hon. Mr. Haviland, Colonial Secretary.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor informs the Legislative Council, that Her Most Gracious Majesty Queen Victoria has allied herself in Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha. This auspicious event took place at the Chapel Royal, St. James's, on the 10th February last.

Government House, 10th April, 1840.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Report of the Special Committee, to whom was referred the Bill, intituled "An Act for the Regulation of the Fishery Reserves in this Island." After some time, the

House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Report of the Special Committee, and that they had agreed to the same, without any amendment.

On motion, the said Bill was read a third time, with the amendments.

On motion, that the said Bill, with the amendments, do pass, the House divided:

CONTENTS.

*Mr. Brecken,*

*Mr. Macdonald,*

*Mr. Livett,*

*Mr. Dalrymple.*

NON-CONTENTS.

*The President,*

*Mr. Goodman,*

*Mr. Worrell.*

And it passed in the affirmative.

*Resolved,* That an humble Address be presented to Her Majesty, congratulating Her Majesty on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha; and that the House of Assembly be requested, by Message, to join in the said Address.

*Ordered,* That Mr. *Brecken* and Mr. *Dalrymple* be a Committee on the part of this House to prepare the said Address.

*Ordered,* That a copy of the foregoing Resolution be communicated by Message to the House of Assembly.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to continue for One Year the Act, intituled An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island." After some time, the House was resumed, and Mr. *Worrell* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

*Ordered,* That the said Bill be read a third time to-morrow.

Adjourned until One o'clock to-morrow.

**SATURDAY, 11th April, 1840.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,

Mr. *Livett*,

Mr. *Dalrymple*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

A Message from the House of Assembly, by Mr. Le Lacheur, with a Bill, intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island; and to repeal certain sections of an Act, intituled An Act for levying an Assessment on all Lands in this Island"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, Ordered, that the said Bill be read a second time on Monday next.

A Message from the House of Assembly, by Mr. Young.

In the House of Assembly,

Saturday, 11th April, 1840.

*Resolved*, That a Committee be appointed to join the Committee of the Legislative Council, for the purpose of preparing a congratulatory Address to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert of Saxe Cobourg and Gotha.



Ordered, That Mr. Young, Mr. Palmer, Mr. Clark, and the Hon. J. S. Macdonald, do compose the said Committee.

Ordered, That a copy of the foregoing Resolution and Order be communicated by Message to the Legislative Council.

On motion, Ordered, that a free Conference be desired with the House of Assembly on the subject matter of the last Conference.

Ordered, That Mr. Brecken, Mr. Macintosh and Mr. Dalrymple, be a Committee to manage the said Conference, to meet in the Committee Room on Monday next, at Two o'clock.

Pursuant to Order, the Bill, intituled "An Act to continue for One Year an Act, intituled An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island," was read a third time.

Resolved, That the said Bill do pass.

Ordered, That the said Bill be sent down to the House of Assembly.

Adjourned until Twelve o'clock on Monday next.

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## MONDAY, 13th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. Attorney General, President;

The Hon. Mr. Brecken,

Mr. Goodman,

Mr. Worrell,

Mr. Dalrymple.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

**TUESDAY, 14th April, 1840.**

The Council met, pursuant to adjournment.

**PRESENT:**

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,

Mr. *Livett*,

Mr. *Dalrymple*.

**PRAYERS.**

**R**EAD the proceedings of Saturday last.

Mr. *Brecken*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert of Saxe Cobourg and Gotha, presented the Draft of an Address, as prepared by the Joint Committee, which he read in his place, and is as follows:

**TO THE QUEEN'S MOST EXCELLENT MAJESTY.****MOST GRACIOUS SOVEREIGN;**

We your Majesty's dutiful and loyal subjects, the Legislative Council and Assembly of Prince Edward Island, in Colonial Parliament assembled, humbly beg leave to approach your Majesty's Throne and Person, to offer our heartfelt congratulations upon the auspicious occasion of your Marriage with His Royal Highness Prince Albert, of Saxe Cobourgh and Gotha, and to assure your Majesty of the cordial joy and satisfaction with which the happy event is hailed by your Majesty's faithful subjects, the Inhabitants of this Island.

We entreat your Majesty to receive also the renewed expressions of our devoted attachment to your Royal Person and Government; and we sincerely pray, that the Almighty may extend his blessings to a union of so much importance to your Majesty's domestic happiness, and the welfare of those widely spread dominions, which Divine Providence has placed under your Majesty's mild and benignant sway.

On motion, the said Address was agreed to, and ordered to be engrossed.

**Resolved**, That a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the Joint Address of the Council and Assembly, to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

**Ordered**, That Mr. *Brecken* and Mr. *Dalrymple* be a Committee on the part of this House to prepare the said Address.

**Ordered**, That a copy of the foregoing Resolution be communicated by Message to the House of Assembly.

A Message from the House of Assembly, by Mr. D. Macdonald, with the following Bills, to which they desire the concurrence of the Legislative Council:

A Bill, intituled "An Act to amend the Act now in force for regulating Apprentices."

A Bill, intituled "An Act to prevent the Issue of Private Bank Notes in this Island."

A Bill, intituled "An Act further to continue for one year, and to further amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a Revenue in this Island."

Read the said Bills a first time.

A Message from the House of Assembly, by Mr. Young.

In the House of Assembly,

Tuesday, 14th April, 1840.

Resolved, That a Committee be appointed to join a Committee of the Legislative Council, to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the joint Address of the Council and Assembly, to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

Ordered, That Mr. Young, Mr. Clark, Mr. Palmer and Mr. Hudson do compose the said Committee.

Ordered, That a copy of the foregoing Resolution be communicated by Message to the Legislative Council.

Mr. Brecken, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the Joint Address of both Houses to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha, presented the Draft of an Address, as prepared by the Joint Committee, which he read in his place, and is as follows:

To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

The Legislative Council and Assembly having agreed to an Address, congratulating Her Majesty on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha, respectfully request that your Excellency will be pleased to transmit the same, to be laid at the foot of the Throne.

The Council and Assembly avail themselves of this opportunity, to express to your Excellency the high estimation in which they hold your Excellency's anxious desire to promote the public welfare, as well as their sense of the courtesy which your Excellency has always evinced in their Legislative intercourse with your Excellency.

On motion, the said Address was agreed to, and ordered to be engrossed.

**Resolved**, That this House do wait upon His Excellency the Lieutenant Governor, with the Address praying that His Excellency will be pleased to forward the Joint Address of the Council and Assembly to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha, and that the House of Assembly be requested to join in the presentation of the said Address.

**Ordered**, That a copy of the said Resolution be communicated by Message to the House of Assembly.

A Message from the House of Assembly, by Mr. Young.

In the House of Assembly,

Tuesday, 14th April, 1840.

**Resolved**, That this House do agree to join the Legislative Council, in waiting upon His Excellency the Lieutenant Governor, in presenting the Address, praying that His Excellency will be pleased to forward the Joint Address of the Council and Assembly, to Her Majesty, congratulating Her Majesty on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

**Ordered**, That a copy of the foregoing Resolution be communicated by Message to the Legislative Council.

**Resolved**, That a Committee be appointed to join a Committee of the House of Assembly, to wait upon His Excellency the Lieutenant Governor, to know when His Excellency will be pleased to receive the Joint Address of the Council and Assembly, praying that His Excellency will be pleased to forward the Address of both Houses, to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

**Ordered**, That the same Committee who prepared the Address, be a Committee for that purpose.

**Ordered**, That a copy of the said Resolution be communicated by Message to the House of Assembly.

A Message from the House of Assembly, by Mr. Young.

In the House of Assembly,

Tuesday, 14th April, 1840.

**Resolved**, That a Committee be appointed to join the Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor, to know when His Excellency will be pleased to receive the Joint Address of the Council and Assembly, praying that His Excellency will be pleased to forward the Address of both Houses to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

**Ordered**, That the same Committee who prepared the Address, be a Committee for that purpose.

**Ordered**, That a copy of the foregoing Resolution be communicated by Message to the Legislative Council.

**Mr. Brecken**, from the Joint Committee of the Council and Assembly, appointed to wait upon His Excellency the Lieutenant Governor, with the Address of both Houses, reported, that they had waited upon His Excellency, who was pleased to say, that he would receive the Address to-morrow, at One o'clock.

The Committee appointed to meet the Committee of the House of Assembly, on the Bill, intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane Persons, and other objects of Charity, and to provide for the future maintenance of the same"—having gone to the Conference, and returned, reported that they had complied with the instructions given them by this House.

Read a second time, the Bill, intituled "An Act further to continue for one year, and to further amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a Revenue in this Island."

Read a second time, the Bill, intituled "An Act to amend the Act now in force for regulating Apprentices."

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act further to continue for one year, and to further amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a Revenue in this Island." After some time, the House was resumed, and **Mr. Macdonald** reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to amend the Act now in force for regulating Apprentices." After some time, the House was resumed, and **Mr. Livett** reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, 15th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable **Mr. Attorney General**, President;

The Hon. **Mr. Brecken**,

**Mr. Goodman**,

**Mr. Worrell**,

**Mr. Macdonald**,

The Hon. **Mr. Macintosh**,

**Mr. Livett**,

**Mr. Dalrymple**.

PRAYERS.

**READ** the proceedings of yesterday.

At One o'clock, the House proceeded to Government House, with the Joint Address of both Houses, praying that His Excellency will be pleased to forward the Joint Address of the Council and Assembly to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha, and having returned, the President reported, that His Excellency had been pleased to receive the same, and to give an answer thereto, which was read by the Clerk, and is as follows:

*Mr. President, and Honourable Gentlemen of the Legislative Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

I shall have much pleasure in forwarding this dutiful and loyal Address, to be laid at the foot of the Throne; and I shall feel both pride and satisfaction in bearing testimony to the attachment of all classes in this Island to Her Majesty's Person and Government.

I beg to return my sincere thanks to the Council and Assembly for the expressions of their continued confidence in my administration of the Government of this Colony.

Read a third time, and passed, the Bill, intituled "An Act further to continue for one year, and to further amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a Revenue in this Island."

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a third time, and passed, the Bill, intituled "An Act to amend the Act now in force for regulating Apprentices."

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

A Message from the House of Assembly, by Mr. Young.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last free Conference, and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

On motion, *Ordered*, that a further free Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further free Conference, to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

A Message from the House of Assembly, by Mr. Palmer, with the following Bills, to which they desire the concurrence of the Legislative Council:

A Bill, intituled "An Act to make further provision for the management of the Charlottetown Ferry."

A Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of our Lord One thousand eight hundred and forty."

Read the said Bills a first time.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, 16th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, Ordered, that a further free Conference be desired with the House of Assembly on the subject matter of the last free Conference.

*Ordered*, That the same Committee who managed the last free Conference, be a Committee to manage this further free Conference, to meet in the Committee Room instant.

A Message from His Excellency the Lieutenant Governor, by the Hon. Mr. Haviland, Colonial Secretary.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor is desirous that the Legislative Council, at its rising to day, should adjourn until Monday the 20th instant.

Government House, 16th April, 1840.

A Message from the House of Assembly, by Mr. Young.

Mr. President,

The House of Assembly do agree to a further free Conference, as is desired by the Legislative Council on the subject matter of the last free Conference, and have appointed Mr. Young, Mr. Longworth, the Hon. J. S. Macdonald, Mr. Hudson, Mr. Macneill, and Mr. Palmer, a Committee to manage this further Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

Read a second time, the Bill, intituled "An Act to prevent the Issue of Private Bank Notes in this Island." On motion, the House was adjourned during pleasure and put into a Committee on the said Bill, after some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and that they had come to the following Resolutions, which they recommend to the adoption of the House:

*Resolved*, That until a Bank be established in this Colony, on such principles as shall entitle it to public confidence, this Committee sees no good reason to prohibit the circulation of Private Notes, as contemplated by the Bill now before this Committee, particularly as it is a matter of notoriety that the only private Notes in circulation in this Island,

are at a premium of Fifteen Pounds per centum, over the Treasury Notes of this Colony, and are eagerly sought after by Merchants and Traders, as a mode of remittance to Nova Scotia; and no complaint, by Petition, or otherwise, as ever yet been made by the people of this Colony, against such circulation, to the knowledge of this Committee.

*Resolved*, That it be recommended to the House to postpone the further consideration of the said Bill to this day three months.

On motion, Ordered, that the Report of the Committee be agreed to.

Read a second time, the Bill, intituled "An Act to make further provision for the management of the Charlottetown Ferry."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until Monday the 28th instant, at Twelve o'clock.

## MONDAY, 20th April, 1840.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
Mr. *Goodman*,  
Mr. *Worrell*,  
Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,  
Mr. *Livett*,  
Mr. *Dalrymple*.

### PRAYERS.

**R**EAD the proceedings of Thursday last.

Pursuant to Order, the Bill, intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island; and to repeal certain sections of an Act, intituled An Act for levying an Assessment on all Lands in this Island," was read a second time.

On motion, Ordered, that the said Bill be committed to a Committee of the whole House to-morrow.



**Resolved,** That the House of Assembly be requested to furnish this House with copies of the evidence or documents in which the Bill, intituled "An Act to enable the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act, intituled "An Act for levying an Assessment on all Lands in this Island," sent up by the House of Assembly to the Council for their concurrence, and now under consideration of the Council—was founded.

**Ordered,** That a copy of the said Resolution be communicated by Message to the House of Assembly.

Read a second time, the Bill, intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the year of Our Lord One thousand eight hundred and forty.

Adjourned until Twelve o'clock to-morrow.

## TUESDAY, 21st April, 1840.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

### PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of Our Lord One thousand eight hundred and forty." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, Ordered, that Mr. *Brecken*, Mr. *Macintosh* and Mr. *Livett* be a Committee to manage the said Conference, to meet in the Committee Room instant.

A Message from the House of Assembly, by Mr. *Young*.

Mr. President,

The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the Bill, intituled "An Act for appropriating certain Monies therein

mentioned, for the service of the Year of Our Lord One thousand eight hundred and forty, and have appointed Mr. Young, Mr. Clark, Mr. Le Lacheur, Mr. Rae, Mr. Fraser, and the Hon. J. S. Macdonald, a Committee to manage the said Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, 22d April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
Mr. *Goodman*,  
Mr. *Worrell*,  
Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,  
Mr. *Livett*,  
Mr. *Dalrymple*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Hudson, with a Bill, intituled "An Act to suspend for a limited period, certain parts of an Act made and passed in the Fourth year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

A Message from the House of Assembly, by Mr. Young.

In the House of Assembly,  
Tuesday, 21st April, 1840.

Your Committee to whom was referred the Message of the Legislative Council of yesterday, asking for the evidence or documents on which the Bill, intituled "An Act to enable the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act, intituled An Act for levying an Assessment on all Lands in this Island," was founded, report, that the following documents be forthwith sent to the Council, in conformity with their said Message, viz:

The Report of a Committee of the House of Assembly, dated March 6th, 1835, and contained in the Journals of that year.

The various documents contained in Appendix (A) to the Journals of 1839.

The evidence of the Hon. the Attorney General, taken before the Commissioners, and contained in Lord Durham's Report.

And the Report submitted during the present Session, by the Delegate of this House, and contained in the Colonial Herald of the 8th, 15th and 29th February last.

Your Committee further report, that they have examined the evidence taken before the Committee appointed by this House, on Lord John Russell's Despatch, of the 17th September last, and do not find any thing therein contained that would furnish the Council with any information that would bear upon the enactments or provisions contained in the said Bill.

Ordered, that a copy of the foregoing Report be communicated by Message to the Legislative Council.

WILLIAM CULLEN, C. H. A.

On motion, Ordered, that the Documents referred to in the said Message, together with the said Bill, be committed to a Committee of the whole House.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

Mr. *Brecken* moved the following Resolution; seconded by Mr. *Worrell*.

*Resolved*, That a free Conference having been had with the House of Assembly upon that section of the Bill, intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same"—which enacts "That when and so soon as the said Building shall be completed, it shall be lawful for the Administrator of the Government, by and with the advice of Her Majesty's Council, to nominate and appoint Two Members of the Legislative Council, and the House of Assembly shall select and choose five of their Members, who shall continue in office during the existence of the said House, of whom one shall be from each County, who, together with the Chief Justice, the President of the Legislative Council, and the Speaker of the House of Assembly, and their Successors in office, shall be Trustees; and which said Trustees shall have power, from time to time, to make and ordain such Rules and Regulations for the management of the said Asylum and House of Industry, and to appoint the several Officers required, and to fix and determine the amount of Salaries to be paid to such Officers, as to them, or the majority of them, shall seem needful and necessary." And the House of Assembly having, by their managers of the Conference, expressed their determination to adhere to that part of the section which provides that six of the ten Trustees therein mentioned shall consist of the Speaker and five Members of the House of Assembly, to be named by themselves; this House deems the assumption of such authority, on the part of the House of Assembly, not only to be highly objectionable in principle, but unprecedented in all parliamentary proceedings, the House of Commons of Great Britain never having attempted to assume a similar right to

that now claimed by the House of Assembly. This House further conceives the right now insisted upon by the House of Assembly to appoint to offices of trust, to be a direct infringement upon the prerogative of the Crown, in which alone this power is properly vested by the constitution. This House, however, is unwilling to deprive the country of the liberal provision granted in aid of the charitable objects of the said Bill, and are therefore induced to give its assent to the said Bill, under protest that such innovation shall not be drawn into a precedent on any future occasion.

On motion, that the said Resolution be agreed to, the House divided:

**CONTENTS.**

*Mr. Brecken,*  
*Mr. Worrell,*  
*Mr. Macdonald,*  
*Mr. Macintosh,*  
*Mr. Livett,*  
*Mr. Dalrymple.*

**NON-CONTENTS.**

*The President,*  
*Mr. Goodman.*

And it passed in the affirmative.

A Message from the House of Assembly, by Mr. Young.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly.

*Ordered,* That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instanter.

*Ordered,* That a Message be sent down to the House of Assembly acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of Our Lord One thousand eight hundred and forty." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

Mr. *Worrell* presented to the House the Draft of an Address to Her Majesty, on the mode adopted by the House of Assembly in sending up the Appropriations, which he read in his place, and was afterwards read by the Clerk.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Address. After some time, the House was resumed, and Mr. *Worrell* reported, that the Committee had gone through the Address, and that they had agreed to the same, with several amendments.

On motion, Ordered, that the Report of the Committee be agreed to, and that the Address be engrossed.

Adjourned until Twelve o'clock to-morrow.

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## THURSDAY, 23d April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;  
 The Hon. Mr. *Brecken*,  
     *Mr. Goodman*,  
     *Mr. Worrell*,  
     *Mr. Macdonald*,  
     *Mr. Dalrymple*.

PRAYERS.

**T**HERE not being a Quorum,  
 Adjourned until Twelve o'clock to-morrow.

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## FRIDAY, 24th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

|                                                        |                                 |
|--------------------------------------------------------|---------------------------------|
| The Honorable Mr. <i>Attorney General</i> , President; |                                 |
| The Hon. Mr. <i>Brecken</i> ,                          | The Hon. Mr. <i>Macintosh</i> , |
| <i>Mr. Goodman</i> ,                                   | <i>Mr. Livett</i> ,             |
| <i>Mr. Worrell</i> ,                                   | <i>Mr. Dalrymple</i> .          |
| <i>Mr. Macdonald</i> ,                                 |                                 |

PRAYERS.

**R**EAD the proceedings of Wednesday.

Read a third time, the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of our Lord One thousand eight hundred and forty."

On motion, that the said Bill do pass, the question being put,  
It was resolved in the affirmative.

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a third time, and passed, the Bill, intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same."

*Ordered*, That the said Bill be sent down to the House of Assembly.

Read a second time, the Bill, intituled "An Act to suspend for a limited period certain parts of an Act made and passed in the Fourth year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendments:

*Folio 1, line 16*—After the word "Act," insert "as far as relates to the County of Prince County."

*Same folio, line 18*—Strike out from the word "Island" to the word "be," in the 20th line of the same folio.

*Folio 2, line 1*—Strike out the words "so much," and insert "the operation."

*Folio 2, line 14*—After the word "thereof," strike out to the word "Assembly," inclusive, and insert  
"so far as the same shall relate to the ascertaining and establishing the Boundary  
"Lines of any Townships, or parts of Townships, within the County of Prince  
"County, in the said Island, be and the same is hereby suspended until the end of  
"the next Session of the General Assembly."

*Title*—After the word "mentioned," in the Eleventh line, insert "And also, a certain Act in amendment thereof, so far as relates to the County of Prince County, in this Island."

On motion, *Ordered*, that the Report of the Committee be agreed to, and that the amendments be engrossed.

On motion, the said Bill, with the amendments, was read a third time, and passed.

*Ordered*, That the said Bill, with the amendments, be sent down to the House of Assembly for their concurrence.

*George Wright, Esq.* Deputy Surveyor General, having appeared at the Bar, and was examined touching the Bill now before the House, to suspend for a limited period certain parts of an Act, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned."

On motion, the Address of the House to Her Majesty, on the subject of the mode adopted by the House of Assembly, in sending up the Appropriations, was read, as engrossed, and is as follows, viz:

## TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Address of the Legislative Council of Prince Edward Island.

May it please your Majesty;

We your Majesty's faithful and loyal subjects, the Legislative Council of Prince Edward Island, in Colonial Parliament assembled, beg leave to approach the Throne with those feelings and sentiments of loyalty and affection to your Majesty's Royal person and government, which, as it is our duty, it has ever been our pride to cherish.

Your Majesty having been pleased to order the formation of a Legislative as well as an Executive Council in this Colony, distinct and separate from each other, we, the members of the former body, who have been the first appointed by your Majesty's commands to this honourable and highly responsible trust, deem it expedient, in order to the due performance of our duties, humbly to represent to your Majesty a difficulty under which we labour, with a view to its removal, and without which, we humbly conceive, our usefulness, as a distinct and independent branch of the Legislature, will be in a great measure diminished.

It has been of late years the practice of the House of Assembly (although the right so to do has been at different times contested by the late Executive Council, when acting in their Legislative capacity) to send up the Bill for the appropriation of the whole of the Supplies granted to the Crown for the current year, when the Session is about drawing to a close, thus insisting upon your Majesty's Council agreeing to or dissenting from it, without reference to the items of which the Bill is composed. By this mode of procedure—not in unison either with the Royal Instructions or with the practice of the neighbouring and other Provinces—no alternative is left your Majesty's Legislative Council, but to pass a Bill, a great many of which they may deem highly objectionable, and, in some cases, prejudicial to the public service and the best interests of the Colony, or, by conscientiously withholding their assent, subject the country to such inconvenience and embarrassment. In the adoption of the former alternative, an unredeemable public debt has been incurred; and the Appropriation Bill of the present Session will exceed, upon the most sanguine expectation, the disposable Revenue of the Colony.

In order to remedy an evil pregnant with much present and future mischief, your Majesty's Legislative Council would humbly suggest, with respect to all supplies for the public service, that the House of Assembly be recommended, by your Majesty's Representative, to provide for each different matter or subject by a separate Bill, without blending, in one and the same Act, grants of money for totally different and independent objects, having no proper relation to each other, in accordance with the uniform practice of your Majesty's Imperial Parliament, which, as far as circumstances will admit, it is our pride, as it is our enviable privilege, to follow—so that your Majesty's Council may avoid being placed in such a position as to be obliged, either to pass the Bill, contrary to their reason and judgment, as a matter of expediency, or to reject it entirely.

May it therefore please your Majesty, graciously to take this our complaint into your Royal consideration, and to give such instructions to your Majesty's Lieutenant Governor of this Colony, on the subject, as will entitle us, in future, to demand that the House of Assembly shall either follow out the practice existing in the neighbouring Colonies, of sending up money votes separately to the Legislative Council, for their concurrence, before blending them in one and the same Bill; or else, to adopt the usage of the Imperial Parliament, and classify the different appropriations in distinct and separate Bills, under their proper and respective heads—by which means we shall be enabled the better to discharge our duty to your Majesty, and to our own satisfaction, and also to the satisfaction of our fellow subjects, the inhabitants of this Island.

On motion, that the same do pass, the House divided:

## CONTENTS.

*Mr. Brecken,*  
*Mr. Worrell,*  
*Mr. Macdonald,*  
*Mr. Macintosh,*  
*Mr. Livett.*

## NON-CONTENTS.

*The President,*  
*Mr. Goodman,*  
*Mr. Dalrymple.*

And it passed in the affirmative.

**DISSENTIENT**—Because it appears from the Journals of the Legislative Council of this Colony, that in the Session of 1827, the Council, by Address to Lieut. Governor Ready, requested His Excellency to submit, for the consideration of the Imperial Government, several Resolutions entered into by the then House of Assembly, and the Council, on the subject of the claim set up by the Council, that Money votes ought of right to be sent to them by the Assembly, in separate resolutions, before embodying them into one Bill, now again complained of by this Address, in reply to which, it further appears from the same Journal, that a Despatch was transmitted by the Right Honorable William Huskisson, then Principal Secretary of State for the Colonies, to Lieutenant Governor Ready, and by him handed to a Committee of the Council, of which the following is a copy, viz:—

No. 2.

Downing Street, 30th October, 1827.

"SIR—With reference to your Despatch of the 15th May, Number 9, addressed to Lord Bathurst, upon the subject of the unfortunate misunderstanding which has taken place between His Majesty's Council and House of Assembly of Prince Edward Island, I have to express my sincere regret that any subject should have occurred to disturb the harmony of the two branches of the Legislature, whose mutual good understanding is so essential to the best interests of the Colony. The subject matter of the differences too, is unfortunately one upon which the pertinacious adherence of both parties to what they respectively consider as matter of abstract right, must put an entire stop to the business of the Administration, and plunge the Colony into irretrievable difficulties."

"You will therefore do well to express to His Majesty's Council the regret with which I learn that they have thought fit, now, for the first time, to act upon a claim of at least doubtful right, which has been more prudently suffered hitherto to lie dormant, and which, in its nature, it is not very easy to reconcile to the principles of the British Constitution."

"On the other hand, you will take an early opportunity of impressing upon the House of Assembly the vital importance to the Colony, of the most friendly and confidential intercourse between themselves and His Majesty's Council, and you will earnestly recommend to their adoption such a temperate and conciliatory course, as may preserve the Colony from those fatal consequences, which a rupture between the two branches cannot fail to produce to those for whom they sit as representatives, and whose interest it is their first duty to uphold."

I have the honor to be, &c.

(Signed)

W. HUSKISSON.

And because such despatch, elicited by the Legislative Council themselves, we conceive contains the final decision of the Imperial Government on the point; in which opinion we are borne out by the acquiescence of the Legislative Council, in the practice which has ever since prevailed, of the House of Assembly sending up to the Council the whole appropriations of the current year, in one and the same Bill. Because the practise of sending up all the Appropriations for the current year in the same Bill, has prevailed in this Colony for at least upwards of fifteen years, without being attended with any very evil consequences to the public service, inasmuch as the Assembly has always, with the exception of one solitary instance, in the Session of 1828, in Conference, struck out from the Bill any items objected to by the Council; the only instances within that period where Appropriation Bills have been lost, having occurred in the Sessions of 1828 and 1835; and it appears from the Journals of the Legislative Council, that in the latter Session the Bill was rejected by the Council, not because the Appropriations for the current year were embodied in one and the same Bill before being submitted to the Council in separate votes or resolutions, but because the House of Assembly had blended the Revenue Bills and Appropriations together, and which mode that House has practically abandoned, as it has never since been attempted.



Because we conceive no good can result from again agitating this question, as it appears to us extremely questionable, even should a favourable answer be obtained to this Address, whether any House of Assembly in this Colony will be found willing to depart from the long established usage of the Legislature, in matters of appropriation.

ROBERT HODGSON,  
GEORGE R. GOODMAN,  
GEORGE DALRYMPLE.

Mr. *Worrell* presented the Draft of an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the said Address to Her Majesty's Government, to be laid at the foot of the Throne, and the same was read, and is as follows:

To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

The Legislative Council having agreed to an Address to Her Majesty, on the subject of the Supply Bill, respectfully request that your Excellency will be pleased to forward the same to Her Majesty's Government, to be laid at the foot of the Throne.

On motion, the said Address was agreed to, and ordered to be engrossed.

*Ordered*, That Mr. *Worrell*, Mr. *Macdonald* and Mr. *Macintosh* be a Committee to wait upon His Excellency with the said Address.

A Message from the House of Assembly, by Mr. Palmer,  
Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the amendments made by the Council to the Bill, intituled "An Act to suspend for a limited period, certain parts of an Act made and passed in the Fourth year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain act therein mentioned," and have appointed Mr. Palmer, Mr. Young, the Hon. J. S. Macdonald and Mr. Clark, a Committee to manage the said Conference.

On motion, *Ordered*, that a Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That Mr. *Goodman* and Mr. *Livett* be a Committee to manage the said Conference, to meet in the Committee Room instant.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to authorize the Crown to purchase the Lands, and to

regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act, intituled 'An Act for levying an Assessment on all Lands in this Island.' " After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

*Ordered*, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. Young.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference.

On motion, *Ordered*, that a further Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instantler.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported that they had met the Committee of the House of Assembly, who handed to them the following Reasons for the House of Assembly disagreeing to the amendments made by the Council to the Bill, intituled "An Act to suspend for a limited period, certain parts of an Act made and passed in the Fourth year of His late Majesty's Reign, intituled 'An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned:' "

Because the House of Assembly consider that many cases of inaccuracy on the State of Boundary Lines in King's and Queen's Counties, which, although not actually represented to the Commissioners of Boundary Lines, or publicly known, do exist, and, if acted upon, by the provisions of the Boundary Line Acts, might be productive of evils as great as those which are apprehended may ensue from any peculiar case in Prince County—the more particularly as cases have already occurred in Queen's County, wherein individuals have considered their rights materially affected by the operation of the provisions of the Boundary Act, as at present in force; whence the House of Assembly deem that it calls for amendments in different particulars—and in those as affecting the whole Island.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, 25th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
 Mr. *Goodman*,  
 Mr. *Worrell*,  
 Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,  
 Mr. *Livett*,  
 Mr. *Dalrymple*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*William Cundall, Esq.* one of the Commissioners appointed under the Act for establishing the Boundary Lines of Counties and Townships in this Island, appeared at the Bar, and was examined touching the Bill now before the House, for suspending for a limited period, certain parts of the above mentioned Act.

Mr. *Worrell*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, praying that His Excellency would be pleased to forward the Address of this House to Her Majesty, relative to the mode adopted by the House of Assembly in sending up their Appropriations, reported that they had waited upon His Excellency, who was pleased to say that he would transmit the Address, as requested by the House.

On motion, Ordered, that a Committee be appointed to draw up reasons to be offered at a further Conference in support of the amendments to the Bill, intituled "An Act to suspend for a limited period, certain parts of an Act made and passed in the Fourth year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned," and report the same to this House.

Mr. *Goodman* accordingly reported from the Committee, Reasons which they had prepared, and the same were read, and are as follow:

Because the Council are not cognizant of any inaccuracies in the original Map or Plan of this Island, in the Boundary Lines of King's and Queen's Counties, which ought to induce the Legislature to suspend the operation of the Boundary Acts, so far as relates to Township Lines in those two Counties; and they are led to believe, that no difficulties do exist to prevent the ascertaining and establishing the said Township Lines in the said two Counties, from the examination of George Wright, Esquire, Deputy Surveyor General, and William Cundall, Esquire, one of the Commissioners under the said Act, taken before the Council on this matter: and if no such inaccuracies do exist, the Council are of opinion, that the suspension of the Acts, as regards those two Counties, will operate as a hardship on individuals possessing Townships, or parts or shares of Townships, in said two Counties, who may be desirous of having the Boundaries of their lands defined under the said Acts.

On motion, the said Reasons were agreed to by the House.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act, intituled 'An Act for levying an Assessment on all Lands in this Island.'"—and the documents sent up by the Assembly relative thereto. After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee having had under their consideration the said Bill, had come to the following Resolutions, which they recommend to the adoption of the House, viz:

*Resolved*, That it is the opinion of this Committee, that the Documents sent up from the House of Assembly, in accordance with the Message from the Council, desiring to be furnished with copies of the evidence or documents on which the Bill to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants of this Island, and to repeal certain sections of an Act, intituled 'An Act for levying an Assessment on all Lands in this Island'—and which Documents, with the said Bill, have been referred for the consideration of this Committee, are wholly irrelevant to the subject matter of the said Bill, the object of which appears to this Committee to be the reinvestment in the Crown, by voluntary sale, of the Lands in this Colony.

*Resolved*, That it is the opinion of this Committee, that any equitable arrangement, by voluntary sale, on the part of the Proprietors, by which the Crown can be re-invested with the said Lands, so as to enable the Crown to sell the same, at a reasonable rate, to actual occupiers, would tend greatly to increase the settlement of this Colony, and advance its prosperity, and would be considered as a boon, calling for the utmost extent of gratitude from its inhabitants.

*Resolved*, That although this Committee thus far recognize the principle of the Bill, they cannot concur in its details; and, in fact, they deem any enactment on the subject, not only premature, but inexpedient and unnecessary, until the consent of the Crown and the Proprietors to the measure contemplated by the said Bill shall be first obtained.

*Resolved*, That although this Committee cannot recommend the House to pass the said Bill, they would, however, suggest to the House, the propriety of joining the House of Assembly in an Address to the Throne—should that House deem such a course of proceeding advisable—praying Her Majesty to take the measure contemplated by the Bill into Her favourable consideration, and to grant the means for effecting the purchase of the said lands, provided the Proprietors shall be found willing to dispose of the same.

On motion, Ordered, that the Report of the Committee be agreed to.

*Ordered*, That the further consideration of the said Bill be postponed until this day three months.

On motion, Ordered, that a further Conference be desired with the House of Assembly on the subject matter of the last Conference.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instanter.

A Message from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council on the subject matter of the last Conference, and have appointed the same

Committee who managed the last Conference, a Committee to manage this further Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

Adjourned until Eleven o'clock on Monday next.

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## MONDAY, 27th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
Mr. *Goodman*,  
Mr. *Worrell*,

The Hon. Mr. *Macintosh*,  
Mr. *Dalrymple*.

PRAYERS.

**T**HERE not being a Quorum,

Adjourned until Eleven o'clock to-morrow.

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## TUESDAY, 28th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,  
Mr. *Goodman*,  
Mr. *Worrell*,  
Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,  
Mr. *Livett*,  
Mr. *Dalrymple*.

PRAYERS.

**R**EAD the proceedings of Saturday last.

A Message from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly desire a free Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this free Conference.

On motion, Ordered, that a free Conference be agreed to, as is desired by the House of Assembly.

*Ordered*, That the same Committee who managed the last Conference, be a Committee to manage the said free Conference, to meet in the Committee Room instanter.

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Committee went to the Conference, and having returned, reported the substance thereof.

On motion, Ordered, that a further free Conference be desired with the House of Assembly on the subject matter of the last free Conference.

*Ordered*, That the same Committee who managed the last free Conference, be a Committee to manage this further free Conference, to meet in the Committee Room instanter.

A Message from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly do agree to a further free Conference, as is desired by the Legislative Council on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further free Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

On motion, the following Resolutions were agreed to:

WHEREAS the House of Assembly, on Saturday the 25th of April, instant, passed certain Resolutions, reflecting upon the proceedings of the Legislative Council, and upon the Executive Government of this Island; and whereas the inference to be drawn from the Second of the said Resolutions goes to charge the Legislative Council with opposing, in every instance—particularly within the last eight years—the just representations of a majority of the House of Assembly:

Therefore Resolved, that such charge is utterly unfounded in fact, as, upon reference to the Journals of both Houses, it will appear, that, upon every occasion in which the true interests of the Colony could be advanced with an honest and conscientious regard to the sacred rights of property, the Council have given the fullest effect in their power to the wishes of the House of Assembly; and in no one instance, of any moment, have the Council opposed the views of the House of Assembly, until the last Session, when the Legislative Council refused their assent to the Bill, intituled “An Act to regulate the forfeiture of the Lands, and the Settlement of the Inhabitants of this Island,” which exhibited so flagrant a disregard of all Private rights, and such an undisguised attempt unjustly to deprive individuals of their property, that the Council were bound, by every principle of law and equity, and by common honesty, to give the said Bill—subsequently designated by the Right Honorable Lord John Russell, Her Majesty’s Principal Secretary of State for the Colonies, in his Despatch of the 17th September, 1839, as “an inequitable proposal”—their unanimous and unqualified refusal.

*Resolved*, That the prosperity of a country is best promoted by an equal representation of its various interests in both branches of the Legislature, and the Legislative Council unequivocally deny that any undue preponderance of any particular interest exists in its present construction. Of the ten individuals composing the Legislative Council, two only are Proprietors, and a third is Agent for a Proprietor owning

less than one Township of Land in this Colony—the remaining seven are wholly unconnected with Proprietors, and have a far greater interest and stake in the Colony than is possessed by the whole of the majority of the House of Assembly who voted for the said Resolutions.

**Resolved,** That it is a matter of notoriety, gathered from the Public Prints and other sources, that the said majority of the House of Assembly have attained their present position in that House, by deluding the Tenantry of this Colony into a belief, that, if elected as their Representatives, they would relieve them from the payment of Rents, and obtain for them Grants from the Crown, confirming them in their several possessions; and that this system of delusion has been practised by the leaders of the said majority, for several years past, whereby the Tenantry have been encouraged to withhold the payment of their Rents, until, in numerous instances, they have incurred arrears which their utmost exertions never can enable them to discharge; and the leaders of the said majority, now finding that they cannot carry out their delusive promises, attempt to relieve themselves from the just odium of their Constituents, by representing the Legislative Council and the Executive Government as inimical to the interests of the People, an imputation no less unjust than untrue, the sympathies of both the Legislative Council and the Executive Government having been invariably evinced in favour of the true interests of the People of this Colony, at the same time that they have endeavoured to awaken the Tenantry to the ruin which must inevitably follow their fatal delusion.

**Resolved,** That the proceedings of the Legislative Council and the Executive Government, upon all those measures which have so fatally agitated the minds of the Tenantry in this Colony, for several years past, have been in accordance with the views and determinations of the Imperial Government, repeatedly avowed through Her Majesty's Principal Secretaries of State for the Colonies; and the House entertains no apprehension of the result of the appeal made by the House of Assembly to the Crown, in which their motives and conduct are so unjustly arraigned.

**Resolved,** That this House relies with confidence upon the good sense and unprejudiced opinions of the People, to appreciate the motives which have actuated the Council in their votes upon all questions affecting their interests, when they shall calmly contrast them with the extreme views exemplified in the proceedings of the said majority of the House of Assembly.

**Mr. Brecken** presented the following Address to His Excellency the Lieutenant Governor, which the House agreed to, and the same was read, and is as follow:

To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

The Legislative Council humbly request that your Excellency will be pleased to transmit to Her Majesty's Principal Secretary of State for the Colonies, the accompanying Resolutions, entered into by the Council, in reply to certain Resolutions agreed to by the House of Assembly, on the Twenty-fifth instant, with a view of forwarding the same to the Imperial Government, gravely reflecting upon the proceedings of the Executive Government, and the Legislative Council, satisfied that Her Majesty's Government will justly estimate the views which govern the House of Assembly in their extraordinary proceedings.

**Ordered,** That the said Address be engrossed.

On motion, **Ordered,** That **Mr. Worrell, Mr. Macdonald, Mr. Livett and Mr. Dalrymple,** be a Committee to wait on His Excellency with the said Address.

On motion, the following Resolutions were agreed to, viz:

**Resolved,** That Two hundred copies of the Resolutions of this House, entered into in reply to certain Resolutions of the House of Assembly, agreed to by that body on Saturday the Twenty-fifth instant, be printed, and that they be once printed in the public Newspapers.

*Resolved*, That Fifty copies of the Bill, intituled "An Act for opening Roads to Farms, from whence there is no access to any public road." And also, Fifty copies of the Bill, intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act, intituled 'An Act for levying an Assessment on all Lands in this Island'"—rejected by this House in the present Session, be printed; and also, that the said Bills be once printed in the public Newspapers.

A Message from the House of Assembly, by the Hon. J. S. Macdonald, with the Bill, intituled "An Act to suspend for a limited period, certain parts of an Act made and passed in the Fourth year of His late Majesty's Reign, intituled 'An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned'"—agreed to, as amended in Conference.

Adjourned until Eleven o'clock to-morrow.

## WEDNESDAY, 29th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,  
*Mr. Goodman*,  
*Mr. Worrell*,

The Hon. *Mr. Macdonald*,  
*Mr. Livett*,  
*Mr. Dalrymple*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, and passed, the Bill, intituled "An Act to suspend for a limited period, certain parts of an Act made and passed in the Fourth year of His late Majesty's Reign, intituled 'An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain act therein mentioned.'"

*Ordered*, That a Message be sent down to the House of Assembly, acquainting them therewith.

*Mr. Worrell*, from the Committee appointed to wait on His Excellency the Lieutenant Governor with the Address, praying that His Excellency would be pleased to transmit to Her Majesty's Government, the Resolutions entered into by this House, in reply to certain Resolutions of the House of Assembly, reported that they had waited on His Excellency, who was pleased to say that he would transmit the same, as requested by the House.



The House took into consideration the Incidental Expenses of the present Session, and allowed the same as follow:

|                                                                                                                |   |   |     |    |   |
|----------------------------------------------------------------------------------------------------------------|---|---|-----|----|---|
| The Rev. L. C. Jenkins, Chaplain to this House,                                                                | - | - | £40 | 0  | 0 |
| John C. Wright, Esq. Usher of the Black Rod, and Serjeant at Arms, for his services 80 days, at 10s. per diem, | - | - | 40  | 0  | 0 |
| Clerk of Council, including his account for Stationary, &c.                                                    | - | - | 181 | 4  | 3 |
| John Rider, Messenger, 80 days, at 7s. 6d. per day, and including his Account for sundry disbursements,        | - | - | 51  | 0  | 8 |
| Moses Hayes, Doorkeeper, 84 days and nights, at 7s. 6d.                                                        | - | - | 31  | 10 | 0 |

His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the attendance of the House of Assembly immediately in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased, in Her Majesty's name, to give his assent to the following Bills, viz:

An Act to prohibit the exportation of Oysters from this Island, for a limited period.

An Act to repeal an Act for regulating the Herring and Alewives Fisheries.

An Act to make further provision for the management of the Charlottetown Ferry.

An Act to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island.

An Act to suspend, for a limited period, certain parts of an Act made and passed in the Fourth Year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned."

An Act to amend the Act now in force regulating Apprentices.

An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown.

An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandise, and other things, seized as forfeited under any Revenue Law of this Colony.

An Act to prevent the bringing Persons convicted of Felonies and Misdemeanours to this Island, from the Island of Newfoundland, or elsewhere in America.

An Act to continue, for a limited period, the several Acts providing for the summary Trial of Common Assaults and Batteries.

An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout this Island, to appoint Clerks.

An Act to authorize the appointment of Coroners in King's and Prince Counties.

An Act to amend the Act relating to Merchant Seamen.

An Act to explain a certain part of an Act, intituled 'An Act for levying an Assessment on all Lands in this Island.'

An Act to amend the Act enabling married Women to convey Real Estates during their Coverture.

An Act to continue the Act for regulating the manner of proceeding on Controverted Elections.

An Act to amend an Act made and passed in the First Year of Her present Majesty's Reign, intituled "An Act to alter and amend an Act passed in the Sixth Year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws.'"

After which the Speaker of the House of Assembly addressed His Excellency as follows:

May it please your Excellency;

In the name and on behalf of Her Majesty's faithful Commons, I have the honor to present several Bills of aid granted this Session to Her Majesty, and to request your Excellency's assent to the same, viz:

An Act further to continue for one Year, and to further amend an Act passed in the Seventh Year of His late Majesty's Reign, for raising a Revenue in this Island.

An Act to amend an Act, intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.'

An Act to explain and amend an Act, intituled 'An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire.'

An Act to continue and amend an Act, intituled 'An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them.'

An Act to continue for one year the Act, intituled 'An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island.'

An Act to continue, for a limited period, an Act to prevent Hawkers and Pedlars travelling and selling in this Colony without License.

An Act to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick.

An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same.

An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar and Clerk of the Executive Council.

An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and forty.

To each of which His Excellency was pleased, in Her Majesty's name, to signify his assent.

And then His Excellency was pleased to make the following Speech to both Houses:

*Mr. President, and Honourable Gentlemen of the Legislative Council;*

*Mr. Speaker, and Gentlemen of the House of Assembly;*

The business of this protracted Session having been brought to a close, I am enabled to permit you to return to your homes.

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*Mr. Speaker, and Gentlemen of the House of Assembly ;*

I thank you for the liberality with which you have voted the supplies, to enable me to carry on Her Majesty's Government in this Colony. You may rely on my applying them to the purposes for which they are appropriated.

*Mr. President, and Honourable Gentlemen of the Council ;*

*Mr. Speaker, and Gentlemen of the House of Assembly ;*

In relieving you from further attendance upon your Legislative duties, I have again to express my regret, that you have not been able to agree upon a satisfactory measure for the regulation of the Fishery Reserves ; but I still hope, that, before the next Session, some plan may be decided upon by which these Reserves may be made available to the public, in the manner pointed out by Her Majesty's Government.

After which the President of the Council said—

Gentlemen :

It is the will and pleasure of His Excellency the Lieutenant Governor, that this General Assembly be prorogued until Tuesday the Seventh day of July next ; and this General Assembly is accordingly prorogued until Tuesday the Seventh day of July next.

**END OF THE THIRD SESSION.**

# **APPENDIX**

**TO THE**

# **JOURNAL**

**OF**

# **THE LEGISLATIVE COUNCIL**

**OF**

# **PRINCE EDWARD ISLAND,**

**FOR THE SESSION COMMENCING THE TWENTY-EIGHTH DAY OF JANUARY,  
AND ENDING THE TWENTY-NINTH DAY OF APRIL,**

**1840.**



# APPENDIX

(A.)

(SEE PAGE 10.)

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No. 1.

No. 8.

[ COPY. ]

DOWNING STREET, 5th August, 1839.

SIR,

Various Acts passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, and transmitted in your despatch No. 16, of the 8th May having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion that the said Acts should be left to their operation.

I have the honor to transmit to you herewith, an Order of Her Majesty in Council, dated the 31st ultimo, approving that report.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

NORMANBY.

Lieutenat Governor of  
Prince Edward Island.

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No. 2.

AT THE COURT AT BUCKINGHAM PALACE, THE 31st JULY, 1839.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President,  
Lord Privy Seal,  
Lord Stewart,  
Marquis of Normanby,  
Earl of Minto,  
Viscount Palmerston.

Viscount Melbourne,  
Viscount Howick,  
Lord Holland,  
Mr. Poulett Thomson,  
Sir John Hobhouse, Bart.

WHEREAS the Governor of Her Majesty's Island of Prince Edward with the Council and Assembly of the said Island did in the Month of March, 1839, pass eight Acts, which have been transmitted, intituled as follows, viz:

No. 503—' An Act to further continue for a limited period, an Act passed in the Fifty-ninth year of the reign of His late Majesty King George the Third, intituled " An Act for regulating Juries, and further declaring the qualifications of Jurors." '

No. 504—' An Act for further continuing an Act, intituled an Act to regulate the Fisheries of this Island.'

▲

## APPENDIX (A.)

No. 505—‘ An Act to continue for a limited period three several Acts therein mentioned.’

No. 506—‘ An Act to continue and amend the Act regulating the Public Wharf of Charlottetown.’

No. 507—‘ An Act to authorise the appointment of Coal Meters for Charlottetown.’

No. 509—‘ An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire.’

No. 510—‘ An Act for the protection of Sheep against vicious Dogs.’

No. 511—‘ An Act to provide against the running at large of Hogs in the Streets and Squares of Charlottetown.’

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation. Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council to approve the said report. Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty's Island of Prince Edward and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

W. L. BATHURST.

No. 3.

No. 9.

[ C O P Y . ]

DOWNING STREET, 31st October, 1839.

SIR,

I have the honor to acknowledge the receipt of your Despatch, No. 22, of the 4th July last, transmitting ten Acts passed by the Legislature of Prince Edward Island during their recent Session.

I enclose an Order passed by Her Majesty, in Council, on the 21st instant, leaving eight of these Acts to their operation. The Act No. 517, (cap. 6) amending the Act for the regulation of Jails, is still under the consideration of Her Majesty's Government; and I have to request your attention to the following observations on the Act No. 519, for the relief of the American Loyalists:

The Preamble of this Act sets forth the circumstances under which grants of Land were many years back made to certain American Loyalists, and how it has happened that these individuals, or their heirs, are not now in possession of the Lands so granted.

The objects of the present Bill are to establish a Commission for investigating the claims of these persons, or their descendants, and to provide for the satisfaction of such claims as may be established, partly by grants from the remaining waste Lands of the Crown, and partly by the application for that purpose of the Lands of the Grantees, or their heirs, with whom the plan originated in 1783, of alienating parts of their estates for the benefit of that class of persons. The facts are too imperfectly explained in the Preamble to admit of any confident opinion being formed as to the merits of the questions controverted between the old Proprietors and the Loyalists; indeed it is scarcely possible to ascertain what may have been the nature of those questions. All that appears is, that the Grantees, amongst whom nearly the whole surface of the Island had been divided, were persons living in England, without the slightest intention of residing on the Lands assigned to them.

The American Loyalists were at first regarded with great favour, because their settlement in the Island would increase the value of the estates of the Absentees, and to tempt them thither, the offer was made of a surrender to them of certain parts of the wilderness, in the hope that the rest might thus become an available source of emolument. The project was defeated by misunderstandings and disputes. All this occurred fifty-six years ago. That the Loyalists may have been defrauded, disappointed and oppressed, is but too probable. That the fault may have been their own, or partly so, is no extreme improbability. But the whole rests on conjecture and surmise. Assuming, however, as the local Legislature have assumed, every thing against the Proprietors, and in favour of the Loyalists, I cannot allow that even

## APPENDIX (A.)

on that assumption this Act could be justified. For, 1st. after a lapse of more than half a century of undisturbed possession by the old Proprietors, there is a prescriptive title which I must advise the Crown to respect.

2d. The effect of this Bill would be to transfer to the Commissioners to be appointed under it, not merely the proper function of the tribunals, but the power of reviving questions on which these tribunals may have already adjudicated.

3d. The Bill affords no protection to *bona fide* purchasers of these Lands from the old Proprietors, who acquired them without notice of the remote and dormant claims of the Loyalists, &c.

4th. The Legislature here assume a right to dispose of the waste Lands of the Crown, which the Crown has never yet surrendered to their controul.

For these reasons I should not feel myself justified in advising Her Majesty to confirm this Bill.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

J. RUSSELL.

Lieut. Governor Sir Charles Fitz Roy.

### No. 4.

AT THE COURT AT WINDSOR, THE 21st OCTOBER, 1839.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Chancellor,  
Marquis of Normanby,  
Lord Chamberlain,

Viscount Falkland,  
Viscount Palmerston,  
Viscount Melbourne.

WHEREAS the Governor of Her Majesty's Island of Prince Edward with the Council and Assembly of the said Island did in the Month of April, 1839, pass eight Acts, which have been transmitted, entitled as follows, viz:

No. 512—' An Act to further continue for one year, and to amend an Act passed in the Seventh year of the reign of His late Majesty King William the Fourth for raising a Revenue in this Island.'

No. 513—' An Act relating to Treasury Warrants.'

No. 514—' An Act for rendering more effectual the Laws now in force for regulating the retail of strong and Spirituous Liquors.'

No. 515—' An Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders when taken in execution.'

No. 516—' An Act for providing Buoys and Beacons for the harbours therein mentioned, and for a nautical Survey of the Harbours of Charlottetown and Three Rivers.'

No. 518—' An Act to revive and continue an Act therein mentioned, relating to the shutting up of Old Roads.'

No. 520—' An Act to amend a certain Act therein mentioned, relating to Pounds.'

No. 521—' An Act for appropriating certain monies therein mentioned for the service of the year of our Lord one thousand eight hundred and thirty nine.'

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation. Her Majesty was thereupon this day pleased by and with the advice of Her Privy Council to approve the said report: Whereof the Governor, Lieutenant Governor, or Commander-in-Chief for the time being of Her Majesty's Island of Prince Edward and all other person whom it may concern are to take notice and govern themselves accordingly.

(Signed)

W. L. BATHURST.



# APPENDIX

## (B.)

(SEE PAGE 23.)

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DOWNING STREET, 29th October, 1839.

SIR,

I have to acknowledge the receipt of your Despatch, No. 14, of the 6th May, submitting the wish of the Legislature of Prince Edward Island to be furnished with certain works published by the Record Commission, which are required to complete the set presented to them by Her Majesty's Government.

I beg to acquaint you in answer, that Lords Commissioners of the Treasury have instructed the Queen's Printers to forward to the Colony copies of the Records for which the Council and Assembly have applied, so far as the numbers of copies in store may permit.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

J. RUSSELL.

Sir Charles Fitz Roy, &c. &c. &c.

# APPENDIX

## (C.)

(SEE PAGE 23.)

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No. 1.

No. 10.

DOWNING STREET, 25th November, 1839.

SIR,

With reference to my Despatch, No. 9, of the 31st ultimo, I have now the honor to inform you, that the Inspectors of Prisons, to whom the Act No. 517, as well as the former Act, had been referred, have reported that several important clauses in the Gaol Acts which are in force in this Country, should be embodied in the Colonial Law.

I enclose a Memorandum of the clauses to which they refer.

I consider it indispensable for the good government of Prisons, that there should be a regular and permanent appointment of a Chaplain; and also of a Matron in every Gaol to which female prisoners are committed.

You will endeavour to obtain a further amendment of the original Act, in conformity with these suggestions, and in the mean time no decision will be taken upon either of them by Her Majesty in Council.

I have the honor to be, Sir,

Your obedient servant,

(Signed)

J. RUSSELL.

Governor of Prince Edward Island.

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No. 2.

Clauses in the Acts for the regulation of Prisons in England and Wales, which are recommended to be inserted in an amended Act for the government of the Prisons in Prince Edward Island:

Keeper to reside in the Prison.

Fourth Geo. 4, sec. 10, rule 1. The Keeper of every Prison shall reside therein.

Keeper not to loan or let any article.

Second and 3d Vic. cap. 56, sec. 6, rule 1. No Keeper, nor officer of a Prison, nor any person in trust for or employed by him, shall let or have any benefit or advantage from the loan or letting of any article, or any dealing whatsoever, to or with any Prisoner.

Keeper, when he does not visit the wards, to insert the cause thereof in his journal.

Second and 3d Vic. cap. 56, sec. 6, rule 2. In every Prison in which the Keeper shall not visit every ward, and see every prisoner, and inspect every cell once at least in every twenty-four hours, the keeper shall state the cause of omission in his journal.

Keeper to record all punishments.

Fourth Geo. 4th, cap. 64, sec. 10, rule 4. The Keeper shall keep a journal, in which he shall record all punishments inflicted by his authority, or by that of the Visiting Justices, and the day when such punishments shall have taken place. Note—Although by the Act No. 495, the Keeper is required to keep a journal of every occurrence of importance within the Prison, he is not directed specifically to record the punishment.

B

## APPENDIX (C.)

A Matron shall be appointed.

Fourth Geo. 4th, cap. 64, sec. 10, rule 2. A Matron shall be appointed in every Prison in which female prisoners shall be confined, who shall reside in the prison. Note—The Act No. 495, merely requires the Sheriff of any County to appoint a Matron, on the recommendation of the Visiting Magistrates, “when and as often as such a person shall be required.” The appointment of a Matron where female prisoners are confined, should be a permanent one, and should not be discretionary, but compulsory. The permanent appointment of a Matron is the more obligatory in consequence of the very loose terms in which the First section of the Act No. 517 is drawn up.

Female Prisoners to be in all cases attended by female officers.

Fourth Geo. 4th, cap. 64, sec. 10, rule 7. “Female Prisoners shall in all cases be attended by Female officers.” Note—We do not think that either of the clauses on this subject to which we have referred, supersedes the necessity of this plain and direct regulation.

The appointment of a Chaplain compulsory.

Fourth Geo. 4th, cap. 64, sec. 28—2d and 3d Vic. cap. 56, sec. 15. By these Statutes the appointment of a Clergyman of the Church of England, is compulsory in every County and Borough Gaol. The last clause in the Colonial Act, No. 517, merely empowers the “Justices to procure the services of any Clergyman professing the faith of “any prisoner or prisoners.”

Prayers to be read daily.

Fourth Geo. 4th, cap. 64, sec. 10, rule 9. Prayers to be selected from the Liturgy of the Church of England, by the Chaplain; and shall be read at least every morning by the Chaplain, the Keeper, or some other person, as by the Rules and Regulations shall be directed; and portions of Scripture shall be read to the Prisoners when assembled for instruction, by the Chaplain, or by such other person as he may appoint or authorize.

Provision for the instruction of the Prisoners.

Fourth Geo. 4th, cap. 64, sec. 10, rule 10. “Provision shall be made in all Prisons “for the instruction of Prisoners of both sexes in reading and writing; and that instruction shall be afforded under such rules and regulations, and to such extent, and to such “prisoners, as to the Visiting Justices may seem expedient.”

Duties of Chaplain.

Fourth Geo. 4th, cap. 64, sec. 30. And be it further enacted, That every such Chaplain shall, on every Sunday, and on Christmas day and Good Friday, perform the appointed Morning and Evening services of the Church of England, and preach at each time or times between the hours of nine and five in the day, as shall be required by the rules and regulations to be made as directed by this Act; and shall catechize and instruct such Prisoners as may be willing to receive instruction; and shall likewise visit the prison on such other days, and perform such other duties as shall be required by the rules and regulations to be made as directed by this Act; and shall administer the Holy Sacrament of the Lord's Supper to such Prisoners as shall be desirous, and as such Chaplain may deem to be in a proper frame of mind to receive the same; and such Chaplain shall also frequently visit every room and cell in the prison occupied by prisoners, and shall direct such Books to be distributed and read, and such lessons to be taught in such prison as he may deem proper for the religious and moral instruction of the prisoners therein, and he shall visit those who are in solitary confinement; and it shall be his particular duty to afford his spiritual assistance to all persons under warrant or order for execution; and he shall have free access to all persons convicted of murder, any Law, Statute or usage to the contrary notwithstanding, except to such persons as shall be of a religious persuasion different from that of the Established Church, who shall have made a request that a Minister of such persuasion shall be allowed to visit them; and every such Chaplain shall communicate from time to time to the Visiting Magistrates any abuse or impropriety which may have come to his knowledge; and he shall further keep a journal, in which he shall enter the times of his attendance on the performance of his duty, with any observations which may occur to him in the execution thereof, and such journal shall be kept in the prison. but shall regularly be laid before the Justices for their inspection at every Quarter Sessions. and shall be signed by the Chairman of the Sessions in proof of the same having been

## APPENDIX (C.)

there produced; and if it shall appear to the Justices in General or Quarter Sessions assembled, that any Chaplain is incompetent to the due performance of his duties, or is unfit to be continued in his office, or shall have refused or wilfully neglected to perform the duties required of him by the rules and regulations to be made as directed by this Act, they are hereby empowered to remove him from such office.

Ministers allowed to visit Prisoners not of the established Church.

Fourth Geo. 4th, cap. 64, sec. 31. And be it further enacted, That if any Prisoner shall be of a religious persuasion differing from that of the Established Church, a Minister of such persuasion, at the special request of such prisoner, shall be allowed to visit him or her at proper and reasonable times, under such restrictions imposed by the Visiting Justices, as shall guard against the introduction of improper persons, and shall prevent improper communication.

Book to be kept in which visits of Prisoners may be entered.

Fourth Geo. 4, cap. 64, sec. 34. And be it further enacted, That from and after the commencement of this Act, there shall be kept in every prison to which this Act shall extend, a Book, in which the Chaplain, and every other Officer of the said prisons, not residing within such prisons, but attending on or required to attend on such prison, shall regularly insert the date of every visit made by such Chaplain or other such officer respectively, and every such entry shall be signed with the name, and in the proper handwriting of such Chaplain, or other officer respectively, and shall contain such remarks as may be thought necessary on the occasion of any such visit; and every keeper of every such prison shall be responsible for the safe custody of such book, whole, unmutilated and unaltered, and shall at all times, when required so to do, produce such book for inspection to the Justices at every General or Quarter Sessions, and to the Visiting Justices, or to any Justice of the Peace for the County, Riding, Division, District, City, Town, or place wherein such prison shall be situate; and the Chaplain shall on every Michaelmas Quarter Session deliver to the Justices a statement of the condition of the Prisoners, and his observations thereupon.

Any Justice may visit the Prison, and report abuses to the Sessions.

Fourth Geo. 4th, cap. 64, sec. 17. Provided always, and be it enacted, that it shall be lawful for any Justice of the Peace for any County, Riding or Division, District, City, Town or Place, at his own free will and pleasure, and without being appointed a Visitor, to enter into and examine any Prison of such County, Riding, Division, District, City, Town or Place, at such time or times, and so often as he shall see fit; and if he shall discover any abuse or abuses therein, he is hereby required to report them in writing at the next General or Quarter Sessions of the Peace, or adjourned Sessions, which shall be holden for such County, Riding or Division, District, City, Town or Place; and then and so often as a report of any abuse or abuses in any such prison shall be made by the Visiting Justices, or either of them, or by any other Justice of the Peace for such County, Riding or Division, District, City, Town or Place, the abuse or abuses so reported shall be taken into immediate consideration by the Justices of the Peace for such County, Riding or Division, District, City, Town or Place, at the General or Quarter Sessions at which such Report shall be made; and they are hereby required to adopt the most effectual measures for enquiring into and rectifying such abuse or abuses as soon as the nature of the case will allow.

Food.

Fourth Geo. 4th, cap. 64, sec. 10, rule 13. Every prisoner maintained at the expense of any County, Riding, Division, City, Town or Place, shall be allowed a sufficient quantity of plain and wholesome Food, to be regulated by the Justices in General or Quarter Sessions assembled, regard being had, as far as may relate to convicted prisoners, to the nature of the labour required from or performed by such prisoners, so that the allowance of Food may be duly apportioned thereto. And it shall be lawful for the Justices to order for such prisoners of every description as are not able to work, or being able cannot procure employment sufficient to sustain themselves by their industry, or who may not be otherwise provided for, such allowance of food as the said Justices shall from time to time

## APPENDIX (C.)

think necessary for the support of health. Prisoners under the care of the Surgeon, shall be allowed such diet as he may direct. Care shall be taken that all provisions supplied to the prisoners be of proper quality and weight. Scales, and legal weights and measures, shall be provided, open to the use of any prisoners, under such restrictions as shall be made by the regulations of each prison.

**Food.** Fifth Geo. 4th, cap. 85, sec. 17. Prisoners who are committed to prison for trial, shall be allowed such food as may be sufficient for the support of health, without being obliged to perform any kind of work or labour as the condition of such allowance.

**Employment of prisoners committed for trial.** Fifth Geo. 4th, cap. 85, sec. 16. Prisoners committed for trial may be employed with their own consent; but the consent of every such prisoner shall be freely given, and shall not be extorted or obtained by deprivation, or threat of deprivation, of any prison or other allowance; and no prisoner before conviction, shall, under any pretence, be employed on the tread-wheel, either with or without his consent.

**Hard labour for prisoners sentenced thereto.** Fourth Geo. 4th, cap. 64, sec. 10, rule 5. Due provision shall be made in every case for the enforcement of Hard Labour, in the cases of such prisoners as may be sentenced thereto, and for the employment of other prisoners. The means of hard labour shall be provided; and the materials requisite for the employment of Prisoners shall be purchased under such regulations as may be made for that purpose by the Justices in General or Quarter Sessions assembled. If the work to be performed by the prisoners be of such a nature as to require previous instruction, proper persons shall be appointed to afford the same.

Fourth Geo. 4th, cap. 64, sec. 10, rule 8. Every prisoner sentenced to Hard Labour, shall, unless prevented by sickness, be employed so many hours in every day, not exceeding ten, exclusive of the time allowed for meals, as shall be directed by the rules and regulations to be made under this Act, except on Sundays, Christmas Day, and Good Friday, and on any days appointed by Public Authority for fasting or thanksgiving.

**Employment of convicted prisoners, not sentenced to hard labour.** Fourth Geo. 4th, cap. 64, sec. 38. And whereas persons convicted of offences are frequently sentenced to imprisonment, without being sentenced to hard labour; be it therefore enacted, that it shall be lawful for two or more Visiting Justices of any Prison, to order that all such persons confined in such prison in pursuance of any sentence or conviction, except such prisoners as shall maintain themselves, shall be set to some work or labour not severe. And it is hereby declared that no such prisoner who shall be of ability to earn, and who shall have the means of earning, or of otherwise providing for his own subsistence, shall have any claim to be supported at the expense of the County, Riding, or Division, or by the Sheriff, or by the Keeper of the Prison; provided that when such ability shall cease by reason of sickness, infirmity, the want of sufficient work, or from any other cause, every such person shall, during the continuance of his inability, receive such provision and support as shall be directed for other convicted prisoners in the same prison.

**Convicted prisoners to have no share of their earnings.** Second and 3d Vic. cap. 56, sec. 8. The Keeper is not to account to any convicted prisoner for the net profits which such prisoner shall have earned by his or her own work, labour or employment in the prison, or any part thereof, or for any allowance for the work and labour done by such prisoner. No officer of any prison shall be allowed any wages or profits in money or otherwise, in respect of the work performed by any prisoner. The allowances which the Visiting Justices shall grant out of his or her earnings to any prisoner committed for trial, shall be such as under all the circumstances attending the case of such prisoner, shall appear to them fit and reasonable, and shall not be given to such prisoner until he or she shall be discharged from prison.

**Wearing apparel to be fumigated, if requisite.** Fourth Geo. 4th, cap. 64, sec. 10, rule 17. The wearing apparel of every prisoner shall be fumigated and purified, if required, after which the same shall be returned to him

## APPENDIX (C.)

or her; or in case of the insufficiency of such clothing, then other sufficient clothing shall be furnished.

Wards, Cells of Female Prisoners to have distinct locks from those of Male Prisoners.

Second and 3d Vic. cap. 56, sec. 6, rule 3. The Wards, Cells and Yards allotted to Female Prisoners, shall be locked by keys in the custody of the Matron, and secured by locks different from those securing the wards, cells and yards allotted to male prisoners.

Second and 3d Vic. cap. 56, rule 6, sec. 4. No Prisoner shall be employed as Turnkey, Assistant Turnkey, Wardsman, Yardsman, Overseer, Monitor or Schoolmaster, or in the discipline of the prison, or in the service of any Officer thereof, or in the service or instruction of any other prisoner; but this rule shall not be taken to prevent the employment of any Debtor in that part of the Prison in which he or she may be lawfully confined, in any manner in which he or she shall be willing to be employed, and which is consistent with his or her safe custody.

Order of Surgeon as to Spirits or Tobacco, to be in writing.

Second and 3d Vic. cap. 56, sec. 6, rule 5. Every order of the Surgeon for the admission of Spirituous Liquors or Tobacco into the Prison, shall be in Writing, and shall be entered by him in his journal; and no Tobacco in any shape shall be admitted for the use of any Prisoner, except in such quantities, in such manner, and in such times, as shall be ordered by the Surgeon; and the Surgeon shall enter in the English language, day by day, in a journal which shall be kept in the Prison, an account of the state of every sick Prisoner, the name of his or her disease, and a description of the medicines and diet, and any other treatment which he may order for such Prisoner.

Restrictions as to keeping Prisoners in Irons.

Second and 3d Vic. cap. 56, sec. 6, rule 6. No Prisoner shall be kept in Irons for more than twenty-four hours, without an order in writing from a Visiting Justice, specifying the cause thereof, and the time during which the Prisoner is to be kept in Irons, which order shall be preserved by the Keeper as his warrant.

No money to be taken under the name of garnish, or any other name.

Second and 3d Vic. cap. 56, sec. 6, rule 7. No money, food, perquisite, or gratuity of any kind, under the name of garnish, or under any name or pretence whatever, shall be taken or received from any Prisoner on his or her entrance into the prison, or from any person on his or her account, or at any other time; but the Keeper of every prison, or such other person as shall be directed by the rules of the prison, shall take charge of the monies and effects of every prisoner, for safe custody only, and for the purpose of being restored to such prisoner, or to some person on his or her behalf, under such regulations as may be made for that purpose.

Restriction or admission of books or printed papers.

Second and 3d Vic. cap. 56, sec. 6, rule 8. No books or printed papers shall be admitted into any Prison, but those which shall be chosen by the Chaplain for the use of Prisoners belonging to the Established Church, and by the Visiting Justices, for the use of all other Prisoners; and the Keeper shall keep a Catalogue of all books and printed papers allowed to be admitted into the Prison.

It is only provided by the Act that a Surgeon, when necessary, shall be called in. We are of opinion that the authorities should be required to appoint a Surgeon, who should be required to visit every Prison to which he should be so appointed twice at least in every week, and oftner if necessary, and to see every Prisoner confined therein, whether criminal or debtor, and to report to the proper authorities the condition of the prison, and the state of health of the Prisoners under his care, and to examine every Prisoner who shall be brought into the prison, before he or she shall be passed into their proper ward.

(Signed)

WM. CRAWFORD,  
W. RUSSELL,  
Inspectors of Prisons,

Raymond Buildings, 7th November, 1839.

# APPENDIX

## (D.)

( SEE PAGE 24. )

---

(Copy.—Circular.)

DOWNING STREET, 4th May, 1839.

SIR,

With reference to my Predecessor's Circular Despatch, of 24th October last, I have the honor to transmit herewith, for your information, an extract of a letter from the Secretary to the Lords Commissioners of the Treasury, stating the arrangements which have been made by their Lordships, for establishing Steam communication between Great Britain and British North America.

I have the honor to be, Sir,

Your most obedient servant,

(Signed)

NORMANBY.

Lt. Governor Sir C. A. Fitz Roy, K. H.

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(Copy.)

EXTRACT OF TREASURY LETTER, dated 29th April, 1839.

With reference to your letter, of the 3d instant, and its enclosure, from Sir John Harvey, urging the importance of establishing a Steam communication between this country and British North America, at the earliest possible moment, and to the correspondence which has previously taken place on the subject of Steam communication with Halifax, I have it in command from the Lords Commissioners of Her Majesty's Treasury to request you will state to the Marquis of Normanby, that my Lords have not failed to use their earnest efforts to carry the views expressed in their former communications into effect.

In furtherance of this object, the Lords of the Admiralty, in communication with this Board, advertised for Tenders, but no offer was made on conditions which answered the advertisement on which my Lords considered it would be satisfactory to accept.

Subsequently, however, my Lords have been able to conclude an arrangement, by which a communication by Steam twice every month will be effected ; and they have every reason to believe this arrangement will be carried into effect in June, 1840.

With reference to this point, my Lords herewith transmit copy of a letter, dated 12th instant, from the Board of Admiralty, which will furnish Lord Normanby with the detailed information.

Their Lordships would further add, that they have directed a considerable reduction to be made in the Packet rate of postage on letters from and to the British Colonies in North America, which has already come into operation.

## APPENDIX (D.)

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(Copy.)

ADMIRALTY, 12th April, 1839.

SIR;

With reference to your letter of the 27th February last, respecting the conveyance of the Mails in Steam Vessels, by contract, between this country and the North American Colonies, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that my Lords have concluded an agreement with Mr. Cunard, for the conveyance of the Mails, &c. twice in each Calendar Month, between Liverpool and Halifax, Nova Scotia, and between the latter place and Boston, United States; and also between Pictou, New Brunswick and Quebec, as long as the St. Lawrence is open, for the sum sanctioned by the Lords of the Treasury, viz: £55,000, in Vessels of not less than 300 horses power, for the transatlantic passage, and not less than 150 horses power, for the other passages—the service to commence 1st June, 1840, or sooner, if possible.

I am, &c. &c.

(Signed)

JOHN BARROW.

F. Barring, Esq. &c. &c. &c.

man,  
Qo.



# APPENDIX

## (E.)

(SEE PAGE 42.)

### RETURN OF PRISONERS CONFINED IN THE JAIL OF QUEEN'S COUNTY, FROM MAY 1837, TO MARCH, 1840. (DEBTORS.)

| NO. | NAMES OF PRISONERS. | WHEN RECEIVED.    | WHEN DISCHARGED.  | RELIGIOUS PERSUASION. |
|-----|---------------------|-------------------|-------------------|-----------------------|
| 1   | Joseph Atkinson,    | May 3d, 1837.     | June 27th, 1838.  | Church of Scotland.   |
| 2   | William Rennals,    | Nov. 18th, 1837.  | June 1st,         | Church of England.    |
| 3   | Alexander M'Kinnon, | Feb. 7th, 1838.   | June 27th,        | Roman Catholic.       |
| 4   | William Walsh,      | July 12th, 1838.  | July 24th,        | Do. do.               |
| 5   | Alexander M'Aulay,  | August 6th,       | August 8th,       | Church of Scotland,   |
| 6   | Joseph M'Phee,      | August 25th,      | August 29th,      | Roman Catholic,       |
| 7   | Alexander M'Kinnon, | August 31st,      | September 6th,    | Do. do.               |
| 8   | George Malliard,    | September 29th,   | October 5th,      | Church of England,    |
| 9   | William Smith,      | October 22d,      | November 7th,     | Do. do.               |
| 10  | Johnson De Roch,    | March 15th, 1839. | April 12th, 1839. | Roman Catholic,       |
| 11  | Robert Brown,       | April 20th,       | April 29th.       | Church of Scotland.   |

The above named Prisoners were committed from the Supreme Court, and were kept in Jail during the time Ralph Brecken, Esq. was High Sheriff.

|    |                       |                |                  |                     |
|----|-----------------------|----------------|------------------|---------------------|
| 1  | John Legyet,          | May 6th, 1839. | July 18th, 1839. | Church of England.  |
| 2  | Joseph Martin,        | May 6th,       | May 27th,        | Roman Catholic.     |
| 3  | George Douglas,       | May 9th,       | May 25th,        | Church of Scotland, |
| 4  | Joseph Leblan,        | May 13th,      | May 16th,        | Roman Catholic,     |
| 5  | John Henderson,       | May 13th,      | May 27th,        | Church of England.  |
| 6  | John Berrigan,        | May 21st,      | May 28th,        | Roman Catholic.     |
| 7  | Richard Clarke,       | June 7th,      | June 20th,       | Church of England.  |
| 8  | Richard Quinn,        | June 9th,      | June 11th,       | Roman Catholic.     |
| 9  | William Mann,         | July 16th,     | July 26th,       | Church of Scotland. |
| 10 | John Row,             | July 24th,     | July 27th,       | Methodist.          |
| 11 | Angus Campbell,       | July 26th,     | November 4th,    | Roman Catholic.     |
| 12 | Theophilus Desbrisay, | August 1st,    | August 1st,      | Church of England.  |
| 13 | John Burhoe,          | August 16th,   | August 19th,     | Methodist.          |
| 14 | C. D. Rankin,         | September 4th, | October 19th,    | Church of Scotland. |
| 15 | Thomas Burhoe,        | October 14th,  | October 15th,    | Methodist.          |
| 16 | John Macdonald,       | November 2d,   | November 15th,   | Roman Catholic.     |

The above named Prisoners were committed from the Supreme Court, from the 6th day of May, 1839, to the 2d March 1840. John Small Macdonald, High Sheriff.

## APPENDIX (E.)

| NO. | NAMES OF PRISONERS. | WHEN RECEIVED.    | WHEN DISCHARGED. | RELIGIOUS PERSUASION. |
|-----|---------------------|-------------------|------------------|-----------------------|
| 1   | W. Rennals,         | March 16th, 1838. | June 1st, 1838.  | Church of England,    |
| 2   | Henry McNeil,       | March 8th,        | June 12th,       | Church of Scotland,   |
| 3   | Patrick Shea,       | April 10th,       | June 28th,       | Roman Catholic.       |
| 4   | Thomas Koughan,     | April 13th,       | June 28th,       | Do. do.               |
| 5   | John Affleck,       | May 1st,          | May 3d,          | Church of Scotland.   |
| 6   | Michael Ryne,       | May 7th,          | May 8th,         | Roman Catholic,       |
| 7   | William Brettan,    | May 30th,         | June 28th,       | Church of England,    |
| 8   | Duncan McIntyre,    | June 20th,        | June 26th,       | Roman Catholic,       |
| 9   | William Finlison,   | June 20th,        | June 26th,       | Church of Scotland,   |
| 10  | Wm. Britton,        | June 26th,        | June 28th,       | Church of England,    |
| 11  | Henry Shea,         | June 26th,        | June 28th,       | Roman Catholic,       |
| 12  | William Lilly,      | August 10th,      | September 3d,    | Church of Scotland,   |
| 13  | William Lilly,      | August 10th,      | September 3d,    | Do. do.               |
| 14  | Finlay McKinnon,    | August 18th,      | August 22d,      | Macdonaldite,         |
| 15  | Wm. Britton,        | June 28th,        | June 28th,       | Church of England,    |
| 16  | George Hayden,      | August 24th,      | September 7th,   | Do. do.               |
| 17  | John Brown,         | August 27th,      | August 27th,     | Do. do.               |
| 18  | Wm. McLeod,         | August 28th,      | September 6th,   | Church of Scotland.   |
| 19  | Ronald Macdonald,   | September 3d,     | September 8th,   | Roman Catholic,       |
| 20  | Richard Read,       | September 15th,   | September 15th,  | Church of England,    |
| 21  | Andrew Gallant,     | September 21st,   | September 26th,  | Church of Rome,       |
| 22  | James Keith,        | October 15th,     | October 16th,    | Church of Scotland,   |
| 23  | James Brooks,       | November 3d,      | November 16th,   | Church of England,    |
| 24  | John Affleck,       | November 10th,    | November 10th,   | Church of Scotland,   |
| 25  | William Duffy,      | November 23d,     | November 29th,   | Roman Catholic,       |
| 26  | Samuel Martin,      | December 10th,    | December 10th,   | Church of England,    |
| 27  | Donald Shaw,        | Jan. 18th, 1839.  | February 15th,   | Macdonaldite,         |
| 28  | Charles Osborn,     | Jan. 19th,        | February 6th,    | Church of England,    |
| 29  | William Koughan,    | March 18th,       | March 25th,      | Roman Catholic,       |
| 30  | William Koughan,    | March 20th,       | March 25th,      | Do. do.               |
| 31  | Lawrence Ducett,    | March 21st,       | March 27th,      | Do. do.               |
| 32  | Robert Creighton,   | April 12th,       | April 19th,      | Do. do.               |

The above named Prisoners were committed from the Commissioner's Courts from the 3d May, 1838, to 6th May, 1839, during the time Ralph Brecken, Esq. was Sheriff.

|    |                      |               |                  |                     |
|----|----------------------|---------------|------------------|---------------------|
| 1  | Samuel Keating,      | May 24, 1839. | June 24th, 1839. | Roman Catholic.     |
| 2  | John Henderson,      | May 27th,     | May 28th,        | Church of England.  |
| 3  | Philip Curry,        | May 30th,     | May 31st,        | Do. do.             |
| 4  | Abercrombie Willock, | June 6th,     | June 10th,       | Do. do.             |
| 5  | William Gear,        | June 14th,    | June 15th,       | Roman Catholic.     |
| 6  | James Griffin,       | July 8th,     | July 18th,       | Church of England.  |
| 7  | John Christy,        | July 9th,     | October 15th,    | Church of Scotland. |
| 8  | Hector McEachern,    | July 3d,      | July 19th,       | Roman Catholic.     |
| 9  | William Swan,        | July 12th,    | July 13th,       | Church of England.  |
| 10 | Thomas Pye,          | July 14th,    | July 17th,       | Do. do.             |
| 11 | Thomas Pye,          | July 14th,    | July 17th,       | Do. do.             |
| 12 | George Thomson,      | July 20th,    | July 23d,        | Do. do.             |
| 13 | Angus Campbell,      | July 25th,    | November 4th,    | Roman Catholic.     |
| 14 | Lawrence Kelly,      | August 2d,    | August 6th,      | Do. do.             |

## APPENDIX (E.)

| NO. | NAMES OF PRISONERS. | WHEN RECEIVED. | WHEN DISCHARGED. | RELIGIOUS PERSUASION. |
|-----|---------------------|----------------|------------------|-----------------------|
| 15  | James Foster,       | August 21st,   | August 23d,      | Church of England.    |
| 16  | James Campbell,     | August 28th,   | August 30th,     | Church of Scotland.   |
| 17  | James Mahoney,      | September 4th, | September 7th,   | Roman Catholic.       |
| 18  | Moses Hayes,        | October 2d,    | November 2d,     | Do. do.               |
| 19  | John Crane,         | October 17th,  | October 19th,    | Church of England.    |
| 20  | John Clyne,         | November 13th, | November 28th,   | Do. do.               |
| 21  | Robert Ferguson,    | November 13th, | November 14th,   | Church of Scotland.   |
| 22  | John Canning,       | December 4th,  | December 11th,   | Roman Catholic.       |

The above named Prisoners were committed from the Commissioner's Courts, &c. from the 6th of May, 1839, to the 2d March, 1840. Hon. J. S. Macdonald, High Sheriff, for Queen's County.

### (CRIMINALS.)

| NO. | NAMES OF PRISONERS.   | WHEN COMMITTED. | NATURE OF CRIME.                            | RELIGIOUS PERSUASION. |
|-----|-----------------------|-----------------|---------------------------------------------|-----------------------|
| 1   | John Dalton,          | Nov. 3d, 1837,  | Robbery.                                    | Roman Catholic.       |
| 2   | Margaret M'Carty,     | Jan. 3d, 1838,  | Assault.                                    | Do. do.               |
| 3   | Thomas Hayden,        | Jan. 13th,      | Assault.                                    | Do. do.               |
| 4   | Thomas Hayden,        | Jan. 13th,      | Perjury.                                    | Do. do.               |
| 5   | Robert Ralph,         | February 7th,   | Larceny.                                    | Church of England.    |
| 6   | Elizabeth Carpenter,  | February 10th,  | Larceny.                                    | Roman Catholic.       |
| 7   | Brooks, coloured man, | May 10th, 1838, | Riotous conduct.                            | Church of England.    |
| 8   | A. Willock,           | May 20th,       | Disorderly conduct.                         | Do. do.               |
| 9   | Peter Smith,          | June 8th,       | Assaulting his Wife.                        | Do. do.               |
| 10  | — Whalin,             | July 8th,       | Drunkenness on Sunday.                      | Roman Catholic.       |
| 11  | Matilda M'Kennie,     | July 17th,      | Charged with Stealing.                      | Church of Scotland.   |
| 12  | John Potter,          | July 28th,      | Cutting and Maiming.                        | Church of England.    |
| 13  | Mary Parke,           | August,         | Disorderly conduct.                         | A Lunatic.            |
| 14  | William Smith,        | September 3d,   | Absconding Seaman.                          | Church of England.    |
| 15  | Thomas Riddle,        | September 11th, | Sentence of Court Martial.                  | Church of Scotland.   |
| 16  | Tool,                 | September 18th, | Disorderly conduct.                         | Roman Catholic.       |
| 17  | Roderick Macdonald,   | September 25th, | Disorderly conduct.                         | Do. do.               |
| 18  | Sailor,               | September 29th, | Fighting in the Street.                     | Don't know.           |
| 19  | James Ross,           | October 1st,    | } Sentenced to one month's<br>imprisonment. | Church of Scotland.   |
| 20  | Allen Buccannon,      | October 1st,    |                                             | Do. do.               |
| 21  | Mrs. Beaton,          | October 5th,    | Selling liquor without license              | Do. do.               |
| 22  | John Collings,        | October 6th,    | Assaulting his brother.                     | Church of England.    |
| 23  | Howe, a Sailor,       | October 7th,    | Drunkenness on Sunday.                      | Do. do.               |
| 24  | Thomas Williams,      | October 16th,   | Murder of an Indian.                        | Roman Catholic.       |
| 25  | John M'Callar,        | October 20th,   | Deserting from 93d Regt.                    | Church of Scotland.   |
| 26  | David Adams,          | Do. do.         | Do. do.                                     | Do. do.               |
| 27  | John Macintosh,       | Do. do.         | Do. do.                                     | Do. do.               |
| 28  | Daniel Mackay,        | Do. do.         | Do. do.                                     | Do. do.               |
| 29  | Alexander Macdonald,  | October 25th,   | Do. do.                                     | Do. do.               |
| 30  | William Coldenwood,   | Do. do.         | Do. do.                                     | Do. do.               |
| 31  | Peter Potter,         | Nov. 3d,        | Assault.                                    | Macdonaldite.         |
| 32  | Mary Park,            | Nov. 7th,       | Threatening to burn house.                  | A Lunatic.            |
| 33  | Daniel Daley,         | Nov. 12th,      | Deserting Schooner Julia,                   | Roman Catholic.       |

# APPENDIX (E.)

| NO. | NAMES OF PRISONERS. | WHEN COMMITTED.   | NATURE OF CRIME.           | RELIGIOUS PERSUASION. |
|-----|---------------------|-------------------|----------------------------|-----------------------|
| 34  | William Brown,      | November 12th,    | Deserting Seaman.          | Church of England.    |
| 35  | Alex. Macdonald,    | November 16th,    | Deserting from 93d Regt.   | Church of Scotland.   |
| 36  | William Colderwood, | November 16th,    | Do. do.                    | Do. do.               |
| 37  | Thomas Ryne,        | November 23d,     | Maiming a Pig.             | Roman catholic.       |
| 38  | Joseph Stone,       | November 23d,     | Robbery.                   | Church of England.    |
| 39  | Thomas Farrell,     | November 30th,    | Assault.                   | Methodist.            |
| 40  | Kelly,              | January 2d, 1839, | Contempt of Court.         | Roman catholic.       |
| 41  | Macdonald,          | January 12th,     | Rescuing property.         | Church of Scotland.   |
| 42  | M'Leod,             | January 12th,     | Do. do.                    | Do. do.               |
| 43  | Michael Ryan,       | January 17th,     | Assault.                   | Roman catholic.       |
| 44  | William Koughan,    | March 1st,        | Ill-using his family.      | Do. do.               |
| 45  | Duncan Bell,        | March 18th,       | Assault.                   | Church of Scotland.   |
| 46  | Murdoch Bell,       | March 18th,       | Do.                        | Do. do.               |
| 47  | Malcolm Bell,       | March 23d,        | Threatening Mr. Fairbairn. | Do. do.               |
| 48  | Duncan Bell,        | March 23d,        | Do. do.                    | Do. do.               |
| 49  | Murdoch Bell,       | March 23d,        | Do. do.                    | Do. do.               |
| 50  | Ann Pasley,         | March 26th,       | Wounding Cattle.           | Roman catholic.       |
| 51  | Samuel Clough,      | April 1st,        | Robbery.                   | Church of England.    |
| 52  | William Ballard,    | April 12th,       | Obstructing Constable.     | Do. do.               |
| 53  | Stephen Butler,     | April 25th,       | Robbery.                   | Do. do.               |

The before mentioned prisoners were committed, by authority, from the 3d May, 1838, to 6th May, 1839, during the time Ralph Brecken, Esq. was Sheriff.

|    |                    |                 |                                                     |                     |
|----|--------------------|-----------------|-----------------------------------------------------|---------------------|
| 1  | William Simpson,   | May 18th, 1839. | Assault.                                            | Church of Scotland. |
| 2  | John Simpson,      | May 18th,       | Do.                                                 | Do. do.             |
| 3  | Isaac Nichol,      | May 20th,       | Do.                                                 | Do. do.             |
| 4  | William Henderson, | May 27th,       | Do.                                                 | Church of England.  |
| 5  | An Emigrant,       | May 29th,       | Riotous behaviour.                                  | Roman Catholic.     |
| 6  | Duncan Bell,       | June 13th,      | Assault.                                            | Church of Scotland. |
| 7  | Murdoch Bell,      | June 13th,      | Do.                                                 | Do. do.             |
| 8  | Jane Stewart,      | June 4th,       | Larceny.                                            | Do. do.             |
| 9  | Samuel Clough,     | June 19th,      | Larceny.                                            | Church of England.  |
| 10 | Mark Jenkins,      | June 20th,      | Refusing duty as seaman.                            | Do. do.             |
| 11 | John Tool,         | July 2d,        | Leaving Apprenticeship.                             | Roman catholic.     |
| 12 | Robert Byers,      | July 14th,      | Return from transportation                          | Church of England.  |
| 13 | John Tool,         | July 16th,      | Disorderly conduct.                                 | Roman catholic.     |
| 14 | Michael May,       | July 21st,      | Assault.                                            | Do. do.             |
| 15 | Hugh M'Leod,       | July 21st,      | Resisting Sheriff on duty.                          | Church of Scotland. |
| 16 | Ann M'Leod,        | July 21st,      | Do. do.                                             | Do. do.             |
| 17 | Sailor,            | July 23d,       | } Attempting to break into<br>} Mr. Lamont's house. | Not known.          |
| 18 | Sailor,            | July 23d,       |                                                     | Do.                 |
| 19 | Patrick O'Keefe,   | July 23d,       | Assault.                                            | Roman Catholic.     |
| 20 | William Jones,     | July 26th,      | Neglect of duty as seaman.                          | Church of England.  |
| 21 | William Jones,     | July 27th,      | Threatning to burn house.                           | Do. do.             |
| 22 | Macdonald,         | July 28th,      | Fighting in the street.                             | Church of Scotland. |
| 23 | John Shea,         | July 29th,      | Threatening assault.                                | Roman catholic.     |
| 24 | James Campbell,    | July 29th,      | Selling liquor, no license.                         | Church of Scotland. |
| 25 | Sailor,            | August 3d,      | Drunkenness.                                        | Not known.          |
| 26 | Lawrence Kelly,    | August 26th,    | Fighting.                                           | Roman catholic.     |

# APPENDIX (E.)

| NO. | NAMES OF PRISONERS.  | WHEN COMMITTED. | NATURE OF CRIME.           | RELIGIOUS PERSUASION. |
|-----|----------------------|-----------------|----------------------------|-----------------------|
| 27  | Arnold,              | August 30th,    | Unsound state of mind.     | Church of England.    |
| 28  | Augustine Maloy,     | September 10th, | Riotous behaviour.         | Roman catholic.       |
| 29  | Robert Brown,        | September 10th, | Surrendered by Bail.       | Church of Scotland.   |
| 30  | Robert Bridges,      | September 10th, | Assault.                   | Church of England.    |
| 31  | Elizabeth Carpenter, | September 10th, | Stealing two Shawls.       | Roman catholic.       |
| 32  | Catherine Gainon,    | September 11th, | Damaging Cattle.           | Do. do.               |
| 33  | Sarah Ballard,       | September 11th, | Stealing.                  | Church of England.    |
| 34  | Edward Lafferty,     | September 20th, | Assault.                   | Roman catholic.       |
| 35  | Michael Dunahoe,     | September 27th, | Deserting Apprenticeship.  | Do. do.               |
| 36  | George Brown,        | October 1st,    | Abconding Seaman,          | Church of England.    |
| 37  | Lawrence Fleming,    | October 6th,    | Do. do.                    | Roman catholic.       |
| 38  | Michael Lyons,       | October 7th,    | Threatening Mr. Lawson.    | Do. do.               |
| 39  | Peter Smith,         | October 16th,   | Assaulting his wife.       | Church of England.    |
| 40  | Richard Coacoon,     | October 22d,    | Abconding Seaman,          | Roman catholic.       |
| 41  | Patrick Griffin,     | October 26th,   | Do. do.                    | Roman catholic.       |
| 42  | William Johnstone,   | November 1st,   | Threatning to assault      | Church of England.    |
| 43  | John Smith,          | November 1st,   | Jailor while on duty.      | Church of England.    |
| 44  | James Connoley,      | November 5th,   | Absenting his employer.    | Roman catholic.       |
| 45  | John Davis,          | November 6th,   | Do. do.                    | Church of England.    |
| 46  | John Coff,           | November 6th,   | Do. do.                    | Church of England.    |
| 47  | Patrick Tool,        | November 6th,   | Assault.                   | Roman catholic.       |
| 48  | Andrew M'Cormack     | November 16th,  | Assault.                   | Church of England.    |
| 49  | John Cline,          | November 12th,  | Refusing to do his duty.   | England.              |
| 50  | John Brown,          | November 15th,  | Do. do.                    | England.              |
| 51  | Mary Kilpatrick,     | November 25th,  | Assault.                   | Roman catholic.       |
| 52  | John Summers,        | December 6th,   | Breach of the Peace.       | Church of England.    |
| 53  | John Connell,        | December 11th,  | Deserting from 37th Regt.  | Roman catholic.       |
| 54  | John Galligan,       | December 11th,  | Do. do.                    | Roman catholic.       |
| 55  | William Simpson,     | December 22d,   | Threatening G. Cole.       | Church of Scotland.   |
| 56  | John Macdonald,      | December 22d,   | Do. do.                    | Roman catholic.       |
| 57  | James Moone,         | December 22d,   | Breach of the Peace.       | Roman catholic.       |
| 58  | M'Leod,              | December 26th,  | Assaulting Deputy Sheriff. | Church of Scotland.   |
| 59  | Thomas Rooney,       | Jan. 7th, 1840. | Charged with robbery.      | Roman catholic.       |
| 60  | David Law,           | Do. 9th,        | Do. do.                    | Church of England.    |
| 61  | Henry Tomlin,        | Do. 9th,        | Wilful Trespass.           | England.              |
| 62  | Nelson Spratt,       | Do. 13th,       | Wilful Trespass.           | England.              |
| 63  | Patrick Tool,        | Do. 13th,       | Assaulting his wife.       | Roman catholic.       |
| 64  | John Collings,       | Do. 14th,       | Deranged.                  | Church of England.    |
| 65  | John Jackman,        | Do. 14th,       | Threatening T. Fairbairn.  | Church of England.    |
| 66  | Burns,               | Do. 21st,       | Riotous behaviour.         | Roman catholic.       |
| 67  | M'Leod.              | Do. 21st,       | Assaulting Deputy Sheriff. | Church of Scotland.   |

The before mentioned Prisoners were committed, by authority, from the 6th May, 1839, to the 2d March, 1840. Hon. J. S. Macdonald, High Sheriff.

## APPENDIX (E.)

### RETURN OF PRISONERS CONFINED IN THE JAIL OF KING'S COUNTY,

*From the 1st of January, 1837, to the 31st of December, 1839.*

| NAMES OF PRISONERS.     | WHEN COMMITTED.   | NATURE OF CRIME.              | RELIGIOUS PERSUASION. |
|-------------------------|-------------------|-------------------------------|-----------------------|
| Mary M'Cormick,         | March 13th, 1837. | Stealing Dry Goods.           | Roman catholic.       |
| Thomas Edwards,         | April 4th,        | Drunkenness.                  | Presbyterian.         |
| Samuel M'Kenzie,        | June 20th,        | Do.                           | Roman catholic.       |
| Angus M'Dougald,        | July 15th,        | Assaulting Sheriff's Bailiff. | Do. do.               |
| Patrick Green,          | July 19th,        | Stealing Sheep.               | Do. do.               |
| Angus M'Dougald,        | July 22d,         | Escaping from Sheriff.        | Do. do.               |
| Neil Robinson,          | July 22d,         | Rescuing from Sheriff.        | Do. do.               |
| Daniel M'Kinnon,        | July 29th,        | Disorderly conduct.           | Presbyterian.         |
| Angus Smith,            | August 14th,      | Do. do.                       | Roman catholic.       |
| James M'Aulay,          | September 29th,   | Do. do.                       | Roman catholic.       |
| George Dunn,            | October 15th,     | Do. do.                       |                       |
| George Roberts,         | October 16th,     | Trespass.                     |                       |
| Isadore M'Cormick,      | December 26th,    | Disorderly conduct.           |                       |
| John Carrigan,          | Feby. 15th, 1838. | Absenting from his employer.  | Roman catholic.       |
| Peter M'Ginnis,         | March 8th,        | Breaking open a Store.        | Roman catholic.       |
| John Burk,              | March 14th,       | Stealing Liquor.              | Roman catholic.       |
| Andrew Cormick,         | March 14th,       | Do. do.                       | Roman catholic.       |
| Samuel Chessong,        | March 14th,       | Do. do.                       | Roman catholic.       |
| Joseph Chessong,        | March 14th,       | Do. do.                       | Roman catholic.       |
| Angus M'Quarry,         | April 18th,       | Disorderly conduct.           |                       |
| Patrick Britton,        | May 15th,         | Stealing a Watch.             |                       |
| John M'Isaac,           | July 16th,        | Disorderly conduct.           | Protestant.           |
| Samuel Ellis,           | August 2d,        | Do. do.                       | Roman catholic.       |
| Thos. Williams, Indian, | October 17th,     | Charged with Murder.          | Roman catholic.       |
| John Philips,           | October 22d,      | Deserting Seaman.             |                       |
| Richard Lewis,          | October 22d,      | Do. do.                       | Protestant.           |
| William Harvey,         | October 22d,      | Do. do.                       | Do.                   |
| Charles Johnston,       | October 22d,      | Do. do.                       | Do.                   |
| Samuel M'Kenzie,        | Feby. 18th, 1839. | Fighting in the street.       | Roman catholic.       |
| Hugh M'Donald,          | April 10th,       | Do. do.                       | Roman catholic.       |
| John Petersburgh,       | April 20th,       | Do. do.                       | Protestant.           |
| Johnston Clark,         | April 29th,       | Small Debt Execution,         | Do.                   |
| Joseph Campbell,        | July 4th,         | Do. do.                       | Roman catholic.       |
| Fidell Pauchett,        | July 5th,         | Do. do.                       | Roman catholic.       |
| Patrick Kelly,          | July 17th,        | Capias Execution.             | Roman catholic.       |
| Frederick Risabell,     | July 22d,         | Disorderly conduct.           | Protestant.           |
| Frederick Risabell,     | July 23d,         | Assault.                      | Do.                   |
| Thos. Williams, Indian, | Oct. 17th, 1838.  | Transported.                  | Roman catholic.       |
| James M'Grath,          | August 10th,      | Small Debt Execution.         | Roman catholic.       |
| Donald M'Donald,        | August 22d,       | Bench Warrant.                | Roman catholic.       |
| John Davis,             | September 2d,     | Deserting his Ship.           | Protestant,           |

## APPENDIX (E.)

| NAMES OF PRISONERS. | WHEN COMMITTED. | NATURE OF CRIME.       | RELIGIOUS PERSUASION. |
|---------------------|-----------------|------------------------|-----------------------|
| Patrick Kelly,      | September 19th, | Bailable Writ.         | Roman Catholic,       |
| John M'Kenzie,      | September 27th, | Disorderly conduct.    | Protestant.           |
| Samuel Mason,       | September 27th, | Disorderly conduct.    | Do.                   |
| Mary Brown,         | October 15th,   | Rescuing a prisoner.   | Roman Catholic.       |
| John Kavanagh,      | October 16th,   | Charged with Stealing. | Roman Catholic.       |
| Benjamin Smith,     | November 16th,  | Absconding Seaman.     | Protestant.           |
| Robert Stewart,     | November 16th,  | Absconding Seaman.     | Presbyterian.         |
| John Summers,       | December 5th,   | Disorderly conduct.    | Roman Catholic.       |
| Robert Colbert,     | December 6th,   | Absconding Seaman.     | Protestant.           |
| James Graham,       | December 18th,  | Small Debt Execution.  | Presbyterian.         |
| Angus M'Donald.     | December 20th,  | Small Debt Execution.  | Roman Catholic.       |

### STATEMENT OF PRISONERS CONFINED IN THE JAIL OF PRINCE COUNTY, From the 1st of October, 1838, to the 31st of December, 1839.

| NAMES OF PRISONERS.  | WHEN COMMITTED.   | NATURE OF CRIME.            | RELIGIOUS PERSUASION. |
|----------------------|-------------------|-----------------------------|-----------------------|
| Joseph Gaudet,       | October 3d, 1838. | Felony.                     | Roman catholic.       |
| Edward Briant,       | October 4th,      | Small Debt.                 | Do. do.               |
| Catharine Macdonald, | November 20th,    | Larceny.                    | Do. do.               |
| Monica Macdonald,    | November 20th,    | Do.                         | Do. do.               |
| Angus Macdonald,     | November 20th,    | Do.                         | Do. do.               |
| James Murphy,        | Feby. 1st, 1839.  | Petit Larceny.              | Protestant.           |
| Thomas Thomson,      | February 1st,     | Do.                         | Do.                   |
| Hugh MacLaughlin,    | February 19th,    | Bailable Writ.              | Do.                   |
| Gilbert Palmer,      | March 30th,       | Assault and Battery.        | Do.                   |
| John M'Innis,        | April 3d,         | Small Debt.                 | Roman catholic.       |
| Edward Briant,       | May 8th,          | Do.                         | Do. do.               |
| Frederick Briant,    | May 11th,         | Do.                         | Do. do.               |
| Michael Keating,     | May 17th,         | Do.                         | Do. do.               |
| Joseph Arsneaux,     | May 28th,         | Do.                         | Do. do.               |
| Duncan D. Maclean,   | June 5th,         | Do.                         | Not known.            |
| Thomas Thomson,      | June 7th,         | Petit Larceny.              |                       |
| James Murphy,        | June 7th,         | Do.                         |                       |
| Angus Macdonald,     | June 7th,         | Do.                         | Roman Catholic.       |
| Martin Connick,      | June 7th,         | Assault.                    |                       |
| John Connick,        | June 7th,         | Do.                         |                       |
| Joseph Arsneaux,     | June 8th,         | Small Debt.                 | Roman Catholic.       |
| Walter Phelan,       | June 15th,        | Selling liquor, no license. |                       |
| James Harding,       | June 18th,        | Small Debt.                 | Protestant.           |
| Patrick Coughlan,    | June 19th,        | Do.                         | Roman Catholic.       |
| William M'Carty,     | June 22d,         | Do.                         |                       |
| Michael Shelly,      | August 5th,       | Do.                         | Roman Catholic.       |
| John M'Callum,       | September 4th,    | Assault.                    | Presbyterian.         |
| Donald M'Neil,       | September 5th,    | Bailable Writ.              | Roman Catholic,       |
| Alexander M'Neil,    | September 5th,    | Do.                         | Do. do.               |
| James Campbell,      | September 18th,   | Larceny.                    | Presbyterian.         |
| Benjamin Rogers.     | September 29th.   | Bailable Writ.              | Roman Catholic,       |

## APPENDIX (E.)

### *Report of John Myrie Holl, Esq.*

In reply to the queries which have been proposed for my consideration, respecting the Acts relating to the Prison Discipline of this Island, I would submit, as my opinion, that the present Acts, with some slight amendments, appear to be fully equal to the present requirements of the Colony. That to adopt all the suggestions propounded by the Inspectors of Prisons in the Mother Country, would heap a complicated and expensive machinery upon us, which the circumstances of the Colony do not require.

That the Jail of this Town is not calculated, nor could it be rendered fit for the system adopted in England, which, though much to be admired in that densely populated Country, and absolutely necessary there, would be altogether out of place in this small community, where crime is of comparatively rare occurrence, and seldom aggravated in its character. That the Building has been undergoing alterations, (which it is expected the present year will be completed,) in order to adopt it as closely as possible, to the system proposed for our imitation; but to carry out the system fully, and make all the arrangements in strict conformity to the plan upon which Prison Discipline in England is based, an entirely new structure would be requisite, which would prove far too expensive for the present resources of the Colony, without at the same time affording a fair prospect of an equivalent.

That it would unquestionably be most desirable to have the services of a regularly appointed Chaplain, and consistent with every feeling of propriety, that religious instruction should be imparted to every individual prisoner, but as there are so few inmates of our Prison in the course of the year, there would be scarcely sufficient to occupy the attention of a Chaplain, who would nevertheless be under the necessity of devoting the whole of his time, to the daily duties attached to his office, (be the prisoners many or few,) and consequently a high salary would be expected, which in the present position of the Colony would not be readily granted. That this being impracticable, the Keeper be recommended to read the Prayers to the Prisoners daily, be remunerated for such extra service, and that books selected by be provided for the Prisoners; some arrangement of this nature being made until there appeared room for the adoption of the course suggested by the Inspectors of Prisons at home.

That the clauses respecting the Keeper, and that relating to the permanent appointment of a Matron may be adopted, and upon referring to the Acts of 1838, and the amendments thereto in 1839, some of the suggestions appear to have been anticipated, indeed the Report of the Committee to whom was referred His Excellency the Lieutenant Governor's Message, with the copy of the Dispatch from Lord Glenelg, suggesting several amendments to the Act passed in 1838 "for the regulation of the several Jails within the Island," comprehends much of that, according to my mind, which occupies the pages of the Report of the Inspectors of Prisons in England in greater detail.

With the perfect model of a well regulated and crowded Prison in England immediately in view, the remarks with which we have been favoured by the Inspectors would naturally suggest themselves, but were the eye to fall upon the comparatively empty walls of our Island Prison, the illusion would disappear, and I cannot but entertain an impression that a little local information is alone requisite to enable the advocates for the application of the same system to us, to arrive at conclusions more consistent with the requirements of these new Countries. Here we have neither the means to set the machinery in motion, nor the materials to work upon in the event.

J. MYRIE HOLL,

Visiting Magistrate for the Jail of Charlottetown.

Prince Street, 12th March, 1840.



# APPENDIX

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## *Report of the Visiter of the District Schools of Prince Edward Island, up to January 29th, 1840.*

*To the Members of the Board of Education.*

GENTLEMEN;

In laying before you the present report upon the state of the Common Schools of the Island, I have the satisfaction of announcing to you an increase during the past year, in the number of our schools. According to my Report of January, 1839, the number of District Schools at that period was 41; at the present moment 50 Schools are in operation, and 14 additional teachers have been licenced during the last year.

Although these facts prove, that the diffusion of Education is progressive in some degree among us, the yet defective state of our Educational system cannot be denied. The many evils which retard the advancement of Education, and which, from my official connection with the Schools of the Colony for nearly the last three years, I have had an opportunity of ascertaining—I shall endeavour briefly to point out, humbly-submitting my views to the consideration of those, whose province it is to apply a remedy.

In the first place, the necessity of having fixed and stationary schools appears to me every day more obvious. The migratory character of our schools, of the shifting of them from place to place, has an injurious effect upon the progress of Education; a long lapse of time frequently takes place after the expiration of the engagement of one Teacher before another is appointed; the progress of the children is thus suddenly stopped; the former locality is perhaps altogether deserted, and the School removed to another part of the District. This disadvantage would, in my opinion, be obviated, were Schools made stationary for a certain number of years at least (say 10 or 12) in a given District; the locality to be chosen by two thirds of the male heads of families, or, more properly speaking, of those sending children to School; and in remote situations or new settlements, where the people could not have access to the common School of the District, some small provision should be made for a teacher of inferior qualifications. Were the Schoolmaster invariably lodged and boarded in one family or place, the present almost mendicant system of going from house to house, would be obviated. Were it made compulsory on all Schools receiving Legislative aid, to adopt and use the same kind of elementary books, the great desideratum of a uniformity in the method of teaching might be more fully carried out; the same elementary books would greatly facilitate the labours of the Teacher, as well as accelerate the progress of the taught. It is quite impossible that children can make any improvement of consequence, who have books of every sort and set, and some of these often most unsuitable either to the years, attainments, or capacity of the Scholar. I am further of opinion, that a table of School fees per quarter, to be fixed by the Legislature, would have a much better effect than the present mode of agreement entered into, between the Teacher, and the parents of the children, as in any populous district, if the Teacher be anywise diligent and successful, there is little danger of his failing to command a large enough attendance of Scholars.

I would also beg leave to suggest the propriety of authorising the Board of Education, to use a discretionary power of granting licences to teachers for one year, or some limited period of time, as occasion might seem to require; the obvious tendency of such a practice would be, to stimulate teachers in the path of improvement, and in the continual acquisition of knowledge. Another improvement, in my opinion, upon the present mode of granting certificates to Teachers, would be, to allow Schoolmasters to couple

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for Schools, by which means the most competent Teachers would obtain the most eligible situations. I would further respectfully suggest the propriety of raising the qualifications of some of our Teachers somewhat higher than the requirements of the present act, as respects the first Class—that is, that the second Class of the late School Act be restored—and I would also say the same of the scale of pecuniary allowance which the Legislature at present makes for them. Without some liberal encouragement from our Local Government, in a country so generally poor, and where Schoolmasters are so poorly paid, we can never expect that men of character and qualification would submit to the toil and drudgery of teaching a common School as a permanent vocation.

As respects the dimensions of School-houses, I would beg leave to remark, that although the Act requires that they should be “sufficient,” very few throughout the Island are of a size, or otherwise sufficiently furnished, to correspond with the true intent of the Act. This evil might be remedied, by enacting that all School-houses should be of certain dimensions, and furnished with a definite number of seats and desks.

In conclusion, I would beg to express my despair of ever seeing Education universally diffused, while our Schools depend for support, to such an extent as they do, upon voluntary contributions. Could an equitable scheme of Assessment be devised, by which, if not every man, at the least, every person having a family to be Educated, should contribute to an Educational fund, permanent Schools might be established in every District, and the means of Educating his children placed within the reach of the poorest man in the Colony.

THE following presents a view of the state of the different District Schools of the Island, embracing, in one general Annual Report, the result of three several visits, and examinations of all those Schools which have been established, or in operation, prior to the First day of January, 1839.

### QUEEN'S COUNTY.

Sable District School, Archibald M'Kinnon, Teacher.—This School numbers 60 scholars; 53 was the greatest number I found present at my examination. The Improvement displayed by the scholars from time to time was highly satisfactory, several having acquired a correct knowledge of English Grammar, Arithmetic, and Book-keeping; the rapid progress made by a junior class, particularly in reading, afforded a pleasing proof, along with the general proficiency of the pupils, of the diligence and efficiency of the Teacher. A new and commodious School-house has been erected in this District.

Elliot River, Donald Lamont, Teacher.—This School having been in constant operation during the last year, the proficiency of many of the scholars was equal to my expectations, and creditable to the continued exertions of the Teacher. The branches taught are Geography, English Grammar, Book-keeping and Arithmetic—the number attending 30.

The School of Lot 33, Princetown Road, is taught by Alexander M'Cabe. The average attendance of scholars is 25. Although none of the pupils here are much advanced, they appear to be well grounded in the knowledge of the various branches they learn; and the good method pursued by the teacher tends to preserve the utmost order and discipline in the School.

The Dog River School is taught by Malcolm Darrach—numbers 40 in daily average attendance. The proficiency of the scholars during this year has been upon the whole satisfactory, several being well advanced in Grammar, Arithmetic and Writing.

Lot 34, St. Peter's Road, Robert Robertson, Teacher.—This School numbers 45, of which 40 have usually attended examinations. The high character which this school has gained for the proficiency of its scholars, continues still to mark it in the correctness of their reading, their intimate knowledge of the various branches of English Grammar, Arithmetic, &c. in which they are thoroughly grounded gradually as they advance; the specimens of Writing proved also creditable; the Inhabitants of this District enjoy the advantage of having had their school in constant operation during several years under the same teacher; the good effects of which are so apparent as to require no further commentary.

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The School of Lot 48, continues to be taught by John Butler; the average attendance is 40; several throughout the last year had made considerable progress in Arithmetic, Reading and Writing; and the improvement shewn by the junior classes which have supplied the places of the more advanced, many of whom have quitted School, was very satisfactory, and bore testimony to the assiduity of the Teacher; a class of four or five particularly excelled in Arithmetic and Writing.

Fort Augustus School, Patrick Fitzgerald, Teacher.—This School, which is yet in its infancy, has been established but a few months under the present Teacher, consequently no great improvement can yet be expected; the average attendance is 30, 21 of whom were present at the examination; a class of 4 (the furthest advanced) are commencing the first rules of Arithmetic, and all the remainder read in the first and spelling books; a few have made a little improvement in Writing.

The District School of Flat River is still taught by John M'Kinnon, and numbers 50 scholars. Although this Teacher labours under the disadvantage of a large daily attendance of scholars crowded in a small Schol-house, yet considerable progress has been made during the year by the more advanced scholars especially; several shewed an extensive knowledge of English Grammar, Book-keeping and Arithmetic.

The School of Pinette, under the superintendence of the Rev. Mr. M'Lennan, is attended by 36 scholars; a class of 5 have made some progress in Latin, 2 of whom already read with considerable correctness the classics of that language; in addition to these, several are well versed in Geography, English Grammar, History and Arithmetic, and exhibited some fair specimens of writing.

Newtown, Belfast district, Charles M'Eachern, Teacher.—On the Teacher's list are 40 scholars; of these a class of six displayed an extensive and accurate knowledge of Arithmetic. In Reading and Spelling also some improvement was apparent; and although a few good writers were also found in the School, the insufficient state of the house, want of accommodation for writing, operated as a bar in the way of any satisfactory improvement in that branch.

The School at Orwel Head, numbering about 30 scholars, taught by Donald Graham, is now vacant.

Point Prim, Donald Murchison, Teacher.—The number attending this School is 30; the improvement shewn by the scholars here in Reading, Writing and Arithmetic, during the past year was very satisfactory. In English Grammar also several were proficient; in Arithmetic especially the rapidity and accuracy of calculation of a few of the more advanced, reflected much credit upon both teacher and taught.

The School of Cavendish is taught by Donald Livingston. The proficiency of the children attending on this School has not been so satisfactory this year as was anticipated; their improvement has not been equal to that of many others who have not had the same advantages of regular supplies of books, a sufficient school-house, &c. This is attributed by the teacher to the very irregular attendance of these scholars for some time past?

Brackley Point Road, Neil Mackinnon, Teacher.—At this School appeared during the several examinations thereof generally about 30 scholars. This school, although several vacations of considerable length have intervened during the year, gives promise of fair improvement; those writing especially have made satisfactory progress, as well as some classes in arithmetic. The house is sufficient, and well furnished with seats and desks.

Covehead Road, District School, E. J. M'Cormack, Teacher.—This School, consisting of 35 scholars, average attendance, has been opened this year for the first time under the present teacher, and in consequence the children are all in the first stage of their education. The judicious arrangements and method of instruction which the teacher here has made and carried out in his school, have proved of much benefit to his charge, and have facilitated their progress, notwithstanding the disadvantages under which many labour in the want of suitable books; the improvement which is already apparent reflects credit upon the teacher, and proves the interest he takes in the moral and intellectual improvement of his pupils.

The Little York School is taught by Allan Stewart, and numbers 30 scholars. The improvement here has been upon the whole satisfactory, and equal to the time taught, a considerable vacation having occurred during the year; the attendance of the scholars has also been irregular; although none are much advanced, several of those in the reading classes read and spelled with propriety and correctness.

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Crapaud District School, George Bynon, Teacher.—The number of scholars attending this School is 49; at the different examinations I found a very marked improvement in the state of the school, the good method pursued, and the general proficiency of the scholars, bore testimony to the efficiency and fidelity of the teacher; one class had made considerable progress in English Grammar, and those in the higher reading classes gave proof of their proficiency, not only in the mechanical part of reading, but also in their accurate knowledge of the meaning of what they read.

At Lot 30, South Shore, a school has been lately opened, Ewen Lamont, Teacher. The children here, with few exceptions, commenced in their first stage under the present teacher; and on a second visit, the improvement which was found to have taken place in the state of the school in the interval of a few months, was very gratifying; several at this time being able to read with considerable correctness in the English Reader, Introduction, &c.; a few had also commenced arithmetic and writing.

In this District is also a School taught by Archibald Macneill, which is yet in its infancy, and having been visited but once, no other report can be given than that the teacher continues to give satisfaction to all connected with the School. Numbers 30.

York River, Charles Macdonell, Teacher.—This School numbers about 25 Scholars, and has been in operation under this teacher during two years; the greater number of the children commenced in the Alphabet with him, and with some exceptions have made suitable progress. During the first year particularly the improvement of the scholars was quite satisfactory; the falling off latterly is attributed by the teacher to irregular attendance. There are a few neat writers in this school, and two or three have acquired some knowledge of arithmetic. A misunderstanding has lately arisen between the teacher and some of the subscribers, touching the conduct of the former, and which threatens the breaking up of the school.

The Pisquid School is still taught by Thomas Welsh, and numbers 30. From the very irregular attendance on this school during the past year, the improvement has been but very limited; proofs notwithstanding of the attention of the teacher are apparent, who appears to give general satisfaction.

Charlottetown, Walter Phelan, Teacher. This School has been recently opened, and as the majority of the pupils are in the first stage of reading and arithmetic, I can only remark that their proficiency must form the subject of a future Report, and it is to be hoped that their improvement will be satisfactory.

On the boundary of Charlottetown Royalty, a School was opened in February last, under Archibald M'Kenzie, teacher, numbering about 40 scholars. This school gives promise of much benefit to the District; a very marked improvement being already discernable in its general state.

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### KING'S COUNTY.

Brudenell—John M'Neill, Teacher. The progress made by the pupils of this school has been very satisfactory this year; a late examination took place in presence of several of the Trustees, and parents of the children, when all acquitted themselves with great credit; after a strict and minute examination, prizes were distributed to the best scholars, respectively in English Grammar, Geography, Arithmetic, Reading and Writing; while the very accurate and extensive acquaintance with these branches displayed, by almost each individual in the class, afforded the highest pleasure to the spectators, the difficulty was to determine upon the most deserving—and the knowledge of Arithmetic shown by several of those scholars, and the rapidity and exactness of their mental calculations, afforded much gratification to all interested in this School.

The state of the Lot 51 District School, Georgetown Road—taught by Nathaniel M'Laren, is also deserving of much commendation; the children of this School are surpassed by very few in their correct knowledge of English Grammar and Arithmetic, many too, and of a very tender age, read and spell with great propriety. The neat and clean appearance of the scholars, and their quiet and orderly behaviour, is particularly pleasing. It must be added, that the improvement which has been made in the writing department, was also very striking, generally. Number attending 28, average.

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The Georgetown School, which was taught by Roderick Campbell during the past year, and gave promise of much usefulness, and numbering 35 scholars, has been lately discontinued; the limited legislative allowance, joined to the utmost exertions of the Inhabitants, I am informed, is still inadequate to the maintenance of a respectable school in this rising town.

The Murray Harbour School, after a short vacancy, is now taught by John M'Neill, formerly of the Bay Fortune School—no improvement to any extent can be yet looked for in this school, which has been but a very little time in operation under the present Teacher. Present at the last examination 32.

The Montague River School has been also lately re-opened under the present teacher, Allan M'Phee. This school presents a very promising appearance—consisting of 35 scholars, many of whom are well advanced in English Grammar, Arithmetic and Book-keeping, and several read and write correctly.

Lot 56, Little Pond, Edmund Shea, Teacher. This school numbers 27 scholars, I found that very creditable progress had been made by the scholars generally during the past year; two boys particularly displayed a very correct knowledge of English Grammar; the several classes read and spelled with propriety—but in Writing and Arithmetic, the same satisfactory improvement was not apparent; this the teacher stated to be owing to the want of implements and materials by many of the children. A new school-house has been recently erected in a more central situation in this district.

St. Peter's Bay.—Thomas Bambrick, Teacher—25 scholars attended on this school, and although none are yet advanced beyond reading, writing, and the primary rules of Arithmetic, the progress which has been made in these branches since the opening of the school is very satisfactory upon the whole.

The Savage Harbour School is still taught by Donald Scott. The prevalence of sickness in this settlement during a portion of this year, operated as a considerable drawback upon the improvement of this school—still the teacher appears to give satisfaction by his close attention to his duties.

The School at St. Peter's has been re-opened under Philip Bambrick, in June last; it numbers 40 scholars, who have already made some progress; this school promises to be of much usefulness in this District; the diligence, and judicious method of the teacher being hitherto quite satisfactory.

Between Cardigan and Brudnell Rivers a school has been recently established, Donald Gordon, Teacher; the state of this School is deserving of much commendation—those scholars whose attendance had been regular having made rapid progress—number attending 26.

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## PRINCE COUNTY.

Lot 7, James H. Fitzgerald, Teacher.—This, the first school ever established in this District, was opened last summer, and numbers 30 scholars. On visiting it about four months after its formation, the progress of the scholars, who, with few exceptions commenced in their first stage with this teacher, was as great as could have been expected.

The Lot 11 School, is still taught by Thomas Key, and is in useful operation, notwithstanding the irregular attendance of many of the children, which operates as a great drawback upon the efficiency of the teacher; the knowledge of Arithmetic displayed by a few of the more advanced pupils; the rapidity and correctness of their calculations was highly pleasing. In writing, the improvement generally highly satisfactory, and those in the reading classes many of them of a tender age, acquitted themselves with credit to both teacher and taught.

Lot 18, Oyster Cove.—This School has been lately re-opened, Edward S. Blanchard is the teacher, whose judicious method of instruction, and attention to his charge, give the utmost satisfaction to those connected with the school.

The Princetown Royalty District School continues to be taught by Sebastian Davidson; at each examination a marked improvement is visible in the state of this school; several excel in their knowledge of

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English Grammar, Arithmetic, Book-keeping, and the reading classes are not only proficient in their knowledge of the mechanical part of reading, but also display an acquaintance with the meaning of what is read.

The Lot 16 School, John M'Kinnon, Teacher, is still in constant and useful operation; and notwithstanding the irregular attendance, and want of suitable books—difficulties which the teacher has constantly to contend with—the state of the school bears sufficient testimony to the assiduity of the teacher.

The Bedeque School is at present vacant by the removal of the teacher, (Mr. W. Nelis) to Charlottetown. It is sufficient to remark that this school was equalled by few in the Island for the proficiency of the Scholars in the most useful branches of an English education. The higher classes being remarkable for their accurate acquaintance with Grammar and Arithmetic, and all distinguished for their correct enunciation, and extensive knowledge of the signification of words; the familiar acquaintance shown also with the meaning of the subject of reading was equally creditable. Mr. Nelis has also been long known as a successful teacher of writing.

The Lot 14, Grand River School, continues to be taught by John Ronayne, who continues, as far as I can ascertain, to give general satisfaction. A few in this School have acquired an extensive knowledge of Arithmetic, and made during the past year some progress in reading.

The School at New Bideford is now taught by Dubois Smith, and although lately established, has shewn proofs of very fair improvement, and the teacher appears to be very exemplary in attention to his charge.

At St. Eleanor's, a large School was established last summer, J. B. Newcomb, teacher. This school on being visited soon after its formation, was found to be in active operation, and giving promise of much usefulness; on a second visit a few months thereafter the school was found vacant, and has since (as I am informed) been altogether closed, from what cause is unknown.

Cape Traverse, Donald M'Kinnon, Teacher. This School was established in February last, and on being visited recently after, found a class learning English Grammar, and several good readers, a few were also advanced in Arithmetic.—On a subsequent visit, from their thin attendance at the day of Examination, the improvement of the school in the interval could not be satisfactorily ascertained. A neat and well furnished school has been erected in this settlement—the school numbers 30 scholars.

The foregoing summary shews a list of 43 schools; since concluding my last visit of those, I have been notified that other seven district schools have been opened, making the whole number of common schools receiving legislative aid (exclusive of the six Acadian) as mentioned above, 50; in addition to these, I have ascertained that about ten other schools not established under the Act are taught, and in a few cases by Teachers who have obtained licenses, but who from various circumstances are not entitled to Legislative aid; these, with three female Schools in Charlottetown, make the total of Sixty-nine Public Schools of the Colony, exclusive of the Central Academy and St. Andrew's College.

Assuming the average attendance at each school to be forty Scholars, it will appear that 2,840 children are at present receiving the benefit of education on the Island.

I have the honor to be, Gentlemen,

Your obedient servant,

JOHN M'NEILL.

Charlottetown, January 29th, 1840.



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(B.) Copy Despatch from Lord John Russell, relative to certain Works published by the Record Commissioners.

(C.) Copy Despatch from Lord John Russell, to Sir C. A. Fitz Roy, with Memorandum of Clauses suggested by the Inspectors of Prisons, on the subject of Prison Discipline.

(D.) Copy Despatch from Lord Normanby, to Sir C. A. Fitz Roy, relative to Steam communication between Great Britain and British North America.

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